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# *British eloquence*

Charles Kendall Adams



















*Sir James Mackintosh*  
*From a painting by Sir Thomas Lawrence, P.R.A.*

# BRITISH ELOQUENCE

WITH INTRODUCTIONS AND EXPLANATORY

NOTES BY

CHARLES KENDALL ADAMS

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WITH A SUPPLEMENTARY VOLUME BY

JOHN ALDEN

*Videtisne quantum munus sit oratoris historia?*

—CICERO, *De Oratore*, II., 23

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VOLUME II.

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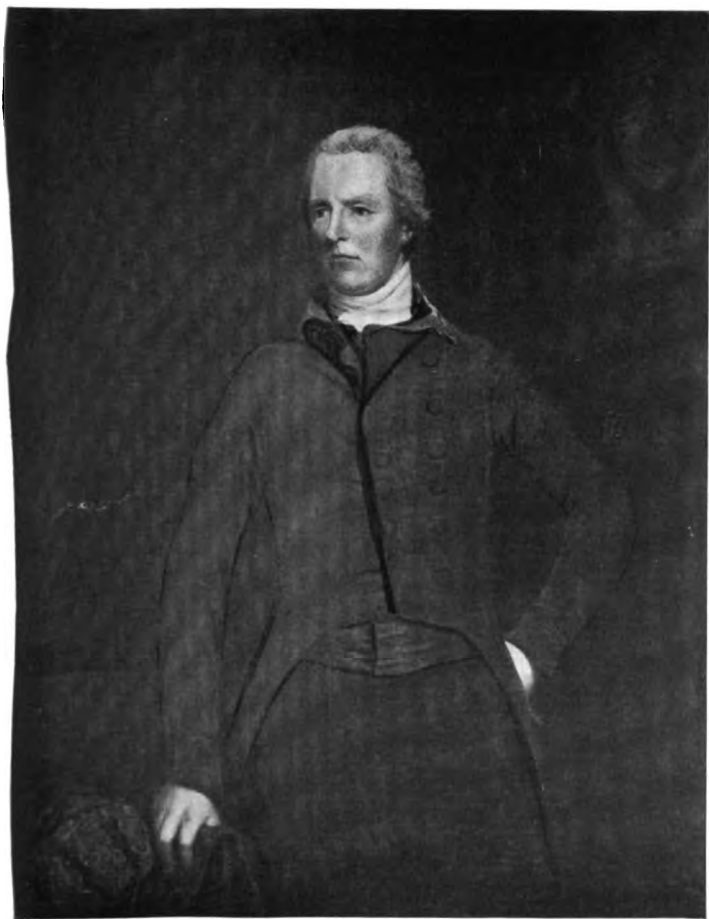
## WILLIAM PITT.

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THE younger Pitt was the second son of Lord Chatham, and was seven years of age when his father in 1766 was admitted to the peerage. The boy's earliest peculiarity was an absorbing ambition to become his father's successor as the first orator of the day. His health, however, was so delicate as to cause the gravest apprehensions. Stanhope tells us that before he was fourteen "half of his time was lost through ill health," and that his early life at Cambridge was "one long disease." There is still extant a remarkable letter that reveals better than any thing else the fond hopes of the father and the physical discouragement as well as the mental aspirations of the son. Chatham wrote: "Though I indulge with inexpressible delight the thought of your returning health, I cannot help being a little in pain lest you should make

more haste than good speed to be well. How happy the task, my noble, amiable boy, to caution you only against pursuing too much all those liberal and praiseworthy things, to which less happy natures are perpetually to be spurred and driven. I will not tease you with too long a lecture in favor of inaction and a competent stupidity, your two best tutors and companions at present. You have time to spare; consider, there is but the *Encyclopædia*, and when you have mastered that, what will remain?" The intimations of precocity here given were fully justified by the extraordinary progress made by the boy notwithstanding his bodily ailments. He entered the University of Cambridge at fourteen, and such was his scholarship at that time that his tutor wrote: "It is no uncommon thing for him to read into English six or eight pages of Thucydides which he had not previously seen, without more than two or three mistakes, and sometimes without even one."

At the university, where he remained nearly seven years, his course of study was carried on



**WILLIAM PITT.**

**From a painting by John Hoppner, R.A., in the National Portrait Gallery.**





WILLIAM PITT.

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strictly in accordance with his father's directions and was somewhat peculiar. His most ardent devotion was given to the classics; and his method was that to which his father always attributed the extraordinary copiousness and richness of his own language. After looking over a passage so as to become familiar with the author's thought, he strove to render it rapidly into elegant and idiomatic English, with a view to reproducing it with perfect exactness and in the most felicitous form. This method he followed for years till, according to the testimony of his tutor, Dr. Prettyman, when he had reached the age of twenty, "there was scarcely a Greek or Latin writer of any eminence *the whole of whose works* Mr. Pitt had not read to him in this thorough and discriminating manner." This was the laborious way in which he acquired that extraordinary and perhaps unrivalled gift of pouring out for hour after hour an unbroken stream of thought without ever hesitating for a word or recalling a phrase or sinking into looseness or inaccuracy of expres-



sion. The finest passages even of the obscurer poets he copied with care and stored away in his memory ; and thus he was also qualified for that aptness of quotation for which his oratory was always remarkable.

With his classical studies Pitt united an unusual aptitude and fondness for the mathematics and for logic. To both of these he gave daily attention, and before he left the university, according to the authority above quoted, he was master in mathematics of every thing usually known by young men who obtain the highest academical honors. In logic, Aristotle was his master, and he early acquired the habit of applying the principles and methods of that great logician to a critical examination of all the works he studied and the debates he witnessed. It was probably this course of study which gave him his unrivalled power in reply. While still at Cambridge it was a favorite employment to compare the great speeches of antiquity in point of logical accuracy, and to point out the manner in which the reasoning

of the orator could be met and answered. The same habit followed him to London and into Parliament. His biographers dwell upon the fact, that whenever he listened to a debate he was constantly employed in detecting illogical reasoning and in pointing out to those near him how this argument and that could easily be answered. Before he became a member of Parliament, he was in the habit of spending much time in London and in listening to the debates on the great subjects then agitating the nation. But the speeches of his father and of Burke, of Fox, and of Sheridan seemed to interest him chiefly as an exercise for his own improvement. His great effort was directed to the difficult process of retaining the long train of argument in his mind, of strengthening it, and of pointing out and refuting the positions that seemed to him weak.

It would be incorrect to leave the impression that these severe courses of study were not intermingled with studies in English literature, rhetoric, and history. We are told that "he

had the finest passages of Shakespeare by heart," that "he read the best historians with care," that "his favorite models of prose style were Middleton's *Life of Cicero*, and the historical writings of Bolingbroke," and that "on the advice of his father, for the sake of a copious diction, he made a careful study of the sermons of Dr. Barrow." Making all due allowance for the exaggerative enthusiasm of biographers, we are still forced to the belief that no other person ever entered Parliament with acquirements and qualifications for a great career equal on the whole to those of the younger Pitt.

The expectations formed of him were not disappointed. It has frequently happened that members of Parliament have attained to great and influential careers after the most signal failures as speakers in their early efforts. But no such failure awaited Pitt. He entered the House of Commons in 1781, at the age of twenty-two, and became a member of the opposition to Lord North, under the leadership of Burke and Fox. His first speech was in re-

ply to Lord Nugent on the subject of economic reform, a matter that had been brought forward by Burke. Pitt had been asked to speak on the question; but, although he had hesitated in giving his answer, he had determined not to participate in the debate. His answer, however, was misunderstood, and therefore at the close of a speech by Lord Nugent, he was vociferously called upon by the Whig members of the House. Though taken by surprise, he finally yielded and with perfect self-possession began what was probably the most successful first speech ever given in the House of Commons. Unfortunately it was not reported and has not been preserved. But contemporaneous accounts of the impression it made are abundant. Not only was it received with enthusiastic applause from every part of the House; but Burke greeted him with the declaration that he was "not merely a chip of the old block, but the old block itself." When some one remarked that Pitt promised to be one of the first speakers ever heard in Parlia-

ment, Fox replied, "He is so already." This was at the proudest era of British eloquence, and when Pitt was but twenty-two.

During the session of 1781-82 the powers of Burke, Fox, and Pitt were united in a strenuous opposition to the administration of Lord North. After staggering under their blows for some weeks, the ministry fell, and Lord North was succeeded by Rockingham in February of 1782. Rockingham's ministry, however, was terminated by the death of its chief after a short period of only thirteen weeks. Lord Shelburne was appointed his successor, and he chose Pitt as the Chancellor of the Exchequer and leader of the House of Commons. Thus Burke and Fox were passed by, and not only the responsible leadership of the Commons, but also the finances of the empire, were entrusted to a youth of twenty-three. The reason of this preference certainly was not an acknowledged pre-eminence of Pitt; but rather in the attitude he had assumed in the course of his attacks on the administra-

tion of North. He had not inveighed against the king, but had attached all the responsibility of mismanagement to the ministry, where the Constitution itself places it. Fox, on the other hand, had allowed himself to be carried forward by the impetuosity of his nature, and had placed the responsibility where we now know it belonged—upon George III. The consequence had been that the enraged king would not listen to the promotion of Fox, though by constitutional usage he was clearly entitled to recognition. That Fox was offended was not singular, but it is impossible even for his most ardent admirers to justify the course he now determined to take. He had been the most bitter opponent of Lord North. He had denounced him as “the most infamous of mankind,” and as “the greatest criminal of the state.” He had declared of his ministry: “From the moment I should make any terms with one of them, I should rest satisfied to be called the most infamous of mankind.” He had said only eleven months before: “I could

not for a moment think of a coalition with men who, in every public and private transaction as ministers, have shown themselves void of every principle of honor and honesty." \* And yet, notwithstanding these philippics, which almost seem to have been delivered as if to make a coalition impossible, Fox now deserted his old political companions, and joined hands with the very object of his fiercest denunciation. The Coalition thus formed voted down the Shelburne ministry in February, 1783.

The debate which preceded the final vote was one of the most remarkable in English history. The subject immediately at issue was a vote of censure of Shelburne's government for the terms of the treaty closing the American war. North assailed the treaty, as bringing disgrace upon the country by the concessions it had made. Fox spoke in the same strain, having reserved himself till the latter part of the night, with the evident purpose of overwhelming the young leader of the

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\* Fox's Speeches, II., 39.

House by the force and severity of his presentation. But the moment he sat down, Pitt arose and grappled with the argument of his opponent in a speech that has seldom been surpassed in the history of parliamentary debate. Lord North spoke of its eloquence as "amazing," and, although the Coalition was too strong to be broken, it made such an impression that there could no longer be any doubt that Pitt was now the foremost man of his party.

In the course of the speech Pitt intimated that even if the vote of censure came to pass, the king might not feel called upon to accept the decision. He declared it an unnatural Coalition, which had simply raised a storm of faction, and which had no other object than the infliction of a wound on Lord Shelburne. Then in one of his impassioned strains he exclaimed: "If, however, the baneful alliance is not already formed,—if this ill-omened marriage is not already solemnized, I know a just and lawful impediment,—and in the name of the public safety, I here forbid the banns."



But all availed nothing. The vote of censure was passed, and Shelburne's ministry tendered their resignation. The king hesitated. He was unwilling to bring the Coalition into power, because he had an insurmountable repugnance to Fox. He sent for Pitt, and urged him in the most pressing terms to accept the position of Prime-Minister. But Pitt, with that steadfast judgment which never deserted him, firmly rejected the flattering offer. The most he would consent to do was to remain in the office he then held till the succession could be fixed upon. The king was almost in despair; and thought seriously of retiring to Hanover. It was Thurlow that dissuaded him from taking so dangerous a step. "Nothing is easier than for your Majesty to go to his Electoral dominions;" said the old Chancellor, "but you may not find it so easy to return when you grow tired of staying there. James II. did the same; your Majesty must not follow his example." He then assured the king that the Coalition was an unnatural one, and could not

long remain in power without committing some fatal blunder. After six weeks the king reluctantly submitted, and appointed the Duke of Portland as the Prime-Minister, and North and Fox as the Chief Secretaries of State.

The end came sooner than Thurlow had dared to anticipate. The Coalition ministry was formed on the second day of April, 1783. During the first week of the following session Fox brought forward his East India bill, which had for its object the entire remodelling of the government of the English domains in the East. The measure was in direct defiance of the wishes of the king. In view of the circumstances of Fox's coalition with the Tories, it is not singular that many thought the scheme a desperate measure to intrench the Coalition so firmly in power that the king could not remove them. Pitt opposed the measure with great energy, and with so much skill that it soon became evident that he spoke the sentiments of the thinking men of the nation. The debate on the question lasted twelve days, and was

closed by a masterly review of the question by Fox. The Coalition was so strong in the lower House that the final vote was 217 to 103 in favor of the measure.

But in the House of Lords its fortune was different. At an interview with Lord Temple, a kinsman of Pitt's, the king commissioned him to say to the members of the House "that whoever voted for the India bill were not only not his friends, but that he should consider them his enemies." This message was widely but secretly circulated among the Lords. Thurlow denounced the bill in unqualified terms. Though the ministry fought for the measure as best they could, when the question came to a final issue, it was rejected by a vote of ninety-five to seventy-six. At twelve o'clock on the following night a messenger conveyed the orders of the king to the chief ministers to deliver up the seals of their offices, and to send them by the under secretaries, "as a personal interview on the occasion would be disagreeable to him." The following day the other

ministers were dismissed with like evidences of disfavor.

Pitt now, on the 22d of December, 1783, became Prime-Minister at the age of twenty-four.

The situation was one that put all his powers to the severest test. In the last decisive vote in the House of Commons the majority against him had been more than two to one. Fox was inflamed with all the indignation of which his good-nature was capable. He declared on the floor of the House that "to talk of the *permanency* of such an administration would be only laughing at and insulting them"; and he alluded to "the *youth* of the Chancellor of the Exchequer and the weakness incident to his early period of life as the only possible excuse for his temerity." And yet with such consummate tact did Pitt ward off the blows, and with such skill and power did he in turn advance to the assault, that the majority against him at once began to show signs of weakening. Fox threatened to cut off the supplies; whereupon Pitt met him with an unwavering defi-

ance. Rapidly the majority went down till, on a test vote on the 8th of March, the opposition had only one majority. Pitt immediately decided to dissolve Parliament and appeal to the people. The result more than justified his determination. The question everywhere was "Fox or Pitt?" The cry "for Pitt and the King" carried the day by an overwhelming majority, and a complete revolution in the House of Commons was the result. More than a hundred and sixty of "Fox's martyrs" lost their seats. The triumph was the most complete that any English minister ever obtained. It not only placed Pitt in power, but it gave him a predominance in authority that was only once interrupted in the course of more than twenty years.

Within the next few years several subjects of national importance were brought forward by the ministry. But these are usually forgotten or regarded as insignificant when compared with the absorbing questions connected with the French Revolution and the Napoleonic



wars. It is as the leader and guide of what may be called the English policy in that memorable era that Pitt's name will longest be remembered. Though that policy was not without strenuous opposition, it was carried consistently through to the end, and it was what contributed more than any thing else to break the power of Napoleon. It is for this reason that Pitt's most elaborate speech on the policy of the English Government in relation to France is selected not only as a favorable specimen of his eloquence, but as having an influence of commanding importance on the stupendous affairs of the time. This speech is still the best exponent of the English view of the Napoleonic wars.

Notwithstanding all his greatness, there was one weak point in Pitt's line of policy. He made the mistake of constantly underestimating the power of the enthusiasm awakened by the revolutionary ideas in France. This was equivalent to attaching too low an estimate to the strength of the enemy. It was in conse-

quence of this error that he formed coalition after coalition, only to see them all shattered by Napoleon and his enthusiastic followers. When his last great coalition was broken by the battle of Austerlitz the blow was too much for his declining health; and, worn out with toil and anxiety, he sank rapidly, and expired on the 26th of January, 1806.

It is the judgment of Alison that "Considered with reference to the general principles by which his conduct was regulated, and the constancy with which he maintained them through adverse fortune, the history of Europe has not so great a statesman to exhibit."

## WILLIAM PITT.

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ON HIS REFUSAL TO NEGOTIATE WITH NAPOLEON  
BONAPARTE. HOUSE OF COMMONS, FEB-  
RUARY 3, 1800.

ON the day after Bonaparte was inaugurated as First Consul of France, December 25, 1799, he addressed a personal letter to the King of England, asking for peace. The English Government, however, entertained a keen resentment at what they regarded the evasive and insulting conduct of the French Directory during the last negotiations. Accordingly, the reply of Lord Grenville, then Minister of Foreign Affairs, rejected the proposed opening of negotiations for peace. The Government justified its attitude by referring to the course of the French during the war. It declared that its beginning had been an "unprovoked attack" on the part of the French, that the "system" which inspired the war "continued to prevail," that England could present "no defence but that of open and steady hostility" to the system, that "the best and most natural pledge of the reality and permanence of peace" had been rejected by the French, that although the English "did not claim to prescribe to France what shall be her form of government" yet they desired security for future peace, and that "unhappily no such security hitherto exists, no sufficient evidence of the principles by which the new government will be directed, no reasonable ground by which to judge of its stability." To this letter Talleyrand wrote a spirited reply;



and Lord Grenville closed the correspondence with a reaffirmation of his Government's former position.

The correspondence was called for, and was placed before the Commons on the 3d of February, 1800. Mr. Dundas immediately proposed an Address to the Throne approving of the course taken by the ministry. This opened the whole subject of the attitude of England toward Napoleon for debate. Whitbred, Canning, and Erskine complained in strong terms of the discourteous language used by Lord Grenville. Pitt made no defence on this point, but took up the subject on the broadest scale. He reviewed not only the origin of the war, but also the atrocities of the French in overrunning a large part of Europe, the instability of the successive French governments, his own motives in treating with the French on a former occasion, and the character of Bonaparte as a military commander. The speech is at once the most important and the most elaborate ever delivered by Pitt. It expressed and defined the policy of the nation in the great struggle which as yet had only begun. As a parliamentary oration, designed at once to inform and inspire, it has probably never been surpassed.

SIR,—I am induced, at this period of the debate, to offer my sentiments to the House, both from an apprehension that at a later hour the attention of the House must necessarily be exhausted, and because the sentiment with which the honorable and learned gentleman [Mr. Erskine] began his speech, and with which he has thought proper to conclude it, places the question precisely on that ground on which I am most desirous of discussing it. The learned

gentleman seems to assume as the foundation of his reasoning, and as the great argument for immediate treaty, that every effort to overturn the system of the French Revolution must be unavailing ; and that it would be not only imprudent, but almost impious, to struggle longer against that order of things which, on I know not what principle of predestination, he appears to consider as immortal. Little as I am inclined to accede to this opinion, I am not sorry that the honorable gentleman has contemplated the subject in this serious view. I do, indeed, consider the French Revolution as the severest trial which the visitation of Providence has ever yet inflicted upon the nations of the earth ; but I cannot help reflecting, with satisfaction, that this country, even under such a trial, has not only been exempted from those calamities which have covered almost every other part of Europe, but appears to have been reserved as a refuge and asylum to those who fled from its persecution, as a barrier to oppose its progress, and perhaps ultimately as an instrument to deliver the world from the crimes and miseries which have attended it.

Under this impression, I trust the House will forgive me, if I endeavor, as far as I am able, to

take a large and comprehensive view of this important question. In doing so, I agree with my honorable friend [Mr. Canning] that it would, in any case, be impossible to separate the present discussion from the former crimes and atrocities of the French Revolution; because both the papers now on the table, and the whole of the learned gentleman's argument, force upon our consideration the origin of the war, and all the material facts which have occurred during its continuance. The learned gentleman [Mr. Erskine] has revived and retailed all those arguments from his own pamphlet, which had before passed through thirty-seven or thirty-eight editions in print, and now gives them to the House embellished by the graces of his personal delivery. The First Consul has also thought fit to revive and retail the chief arguments used by all the opposition speakers and all the opposition publishers in this country during the last seven years. And (what is still more material) the question itself, which is now immediately at issue—the question whether, under the present circumstances, there is such a prospect of security from any treaty with France as ought to induce us to negotiate, can not be properly decided upon without retracing,

both from our own experience and from that of other nations, the nature, the causes, and the magnitude of the danger against which we have to guard, in order to judge of the security which we ought to accept.

I say, then, that before any man can concur in opinion with that learned gentleman ; before any man can think that the substance of his Majesty's answer is any other than the safety of the country required ; before any man can be of opinion that, to the overtures made by the enemy, at such a time and under such circumstances, it would have been safe to return an answer concurring in the negotiation—he must come within one of the three following descriptions : He must either believe that the French Revolution neither does now exhibit nor has at any time exhibited such circumstances of danger, arising out of the very nature of the system, and the internal state and condition of France, as to leave to foreign powers no adequate ground of security in negotiation ; or, secondly, he must be of opinion that the change which has recently taken place has given that security which, in the former stages of the Revolution, was wanting ; or, thirdly, he must be one who, believing that the danger exists, not

undervaluing its extent nor mistaking its nature, nevertheless thinks, from his view of the present pressure on the country, from his view of its situation and its prospects, compared with the situation and prospects of its enemies, that we are, with our eyes open, bound to accept of inadequate security for every thing that is valuable and sacred, rather than endure the pressure, or incur the risk which would result from a farther prolongation of the contest.<sup>1</sup>

In discussing the last of these questions, we shall be led to consider what inference is to be drawn from the circumstances and the result of our own negotiations in former periods of the war; whether, in the comparative state of this country and France, we now see the same reason for repeating our then unsuccessful experiments; or whether we have not thence derived the lessons of experience, added to the deductions of reason, marking the inefficacy and danger of the very measures which are quoted to us as precedents for our adoption.

Unwilling, sir, as I am to go into much detail on ground which has been so often trodden before; yet, when I find the learned gentleman, after all the information which he must have received, if he has read any of the answers to

his work (however ignorant he might be when he wrote it), still giving the sanction of his authority to the supposition that the order to M. Chauvelin [French minister] to depart from this kingdom was the cause of the war between this country and France, I do feel it necessary to say a few words on that part of the subject.

Inaccuracy in dates seems to be a sort of fatality common to all who have written on that side of the question; for even the writer of the note to his Majesty is not more correct, in this respect, than if he had taken his information only from the pamphlet of the learned gentleman. The House will recollect the first professions of the French Republic, which are enumerated, and enumerated truly, in that note. They are tests of every thing which would best recommend a government to the esteem and confidence of foreign powers, and the reverse of every thing which has been the system and practice of France now for near ten years. It is there stated that their first principles were love of peace, aversion to conquest, and respect for the independence of other countries. In the same note it seems, indeed, admitted that they since have violated all those principles; but it is alleged that they have done so only in

consequence of the provocation of other powers. One of the first of those provocations is stated to have consisted in the various outrages offered to their ministers, of which the example is said to have been set by the King of Great Britain in his conduct to M. Chauvelin. In answer to this supposition, it is only necessary to remark, that before the example was given, before Austria and Prussia are supposed to have been thus encouraged to combine in a plan for the partition of France, that plan, if it ever existed at all, had existed and been acted upon for above eight months. France and Prussia had been at war eight months before the dismissal of M. Chauvelin. So much for the accuracy of the statement.

I have been hitherto commenting on the arguments contained in the Notes. I come now to those of the learned gentleman. I understand him to say that the dismissal of M. Chauvelin was the real cause, I do not say of the general war, but of the rupture between France and England; and the learned gentleman states particularly that this dismissal rendered all discussion of the points in dispute impossible. Now I desire to meet distinctly every part of this assertion. I maintain, on the

contrary, that an opportunity was given for discussing every matter in dispute between France and Great Britain as fully as if a regular and accredited French minister had been resident here; that the causes of war which existed at the beginning, or arose during the course of this discussion, were such as would have justified, twenty times over, a declaration of war on the part of this country; that all the explanations on the part of France were evidently unsatisfactory and inadmissible, and that M. Chauvelin had given in a peremptory ultimatum, declaring that if these explanations were not received as sufficient, and if we did not immediately disarm, our refusal would be considered as a declaration of war. After this followed that scene which no man can even now speak of without horror, or think of without indignation; that murder and regicide from which I was sorry to hear the learned gentleman date the beginning of the legal government of France.

Having thus given in their ultimatum, they added, as a further demand (while we were smarting under accumulated injuries, for which all satisfaction was denied) that we should instantly receive M. Chauvelin as their embassa-



dor, with new credentials, representing them in the character which they had just derived from the murder of their sovereign. We replied, "he came here as the representative of a sovereign whom you have put to a cruel and illegal death; we have no satisfaction for the injuries we have received, no security from the danger with which we are threatened. Under these circumstances we will not receive your new credentials. The former credentials you have yourself recalled by the sacrifice of your King."

What, from that moment, was the situation of M. Chauvelin? He was reduced to the situation of a private individual, and was required to quit the kingdom under the provisions of the Alien Act, which, for the purpose of securing domestic tranquillity, had recently invested his Majesty with the power of removing out of this kingdom all foreigners suspected of revolutionary principles. Is it contended that he was then less liable to the provisions of that act than any other individual foreigner, whose conduct afforded to government just ground of objection or suspicion? Did his conduct and connections here afford no such ground? or will it be pretended that the bare act of refusing to receive fresh credentials from an infant repub-

lic, not then acknowledged by any one power of Europe, and in the very act of heaping upon us injuries and insults, was of itself a cause of war? So far from it, that even the very nations of Europe whose wisdom and moderation have been repeatedly extolled for maintaining neutrality, and preserving friendship with the French Republic, remained for years subsequent to this period without receiving from it any accredited minister, or doing any one act to acknowledge its political existence.

In answer to a representation from the belligerent powers, in December, 1793, Count Bernstorff, the minister of Denmark, officially declared that "it was well known that the National Convention had appointed M. Grouville Minister Plenipotentiary at Denmark, but that it was also well known that he had neither been received nor acknowledged in that quality." And as late as February, 1796, when the same minister was at length, for the first time, received in his official capacity, Count Bernstorff, in a public note, assigned this reason for that change of conduct: "So long as no other than a revolutionary government existed in France, his Majesty *could* not acknowledge the minister of that government; but now that the French

Constitution is completely organized, and a regular government established in France, his Majesty's obligation ceases in that respect, and M. Grouville will therefore be acknowledged in the usual form." How far the Court of Denmark was justified in the opinion that a revolutionary government then no longer existed in France it is not now necessary to inquire ; but whatever may have been the fact in that respect, the *principle* on which they acted is clear and intelligible, and is a decisive instance in favor of the proposition which I have maintained.

Is it, then, necessary to examine what were the terms of that ultimatum with which we refused to comply ? Acts of hostility had been openly threatened against our allies ; a hostility founded upon the assumption of a right which would at once supersede the whole law of nations. The pretended right to open the Scheldt we discussed at the time, not so much on account of its immediate importance (though it was important both in a maritime and commercial view) as on account of the general principle on which it was founded.<sup>3</sup> On the same arbitrary notion they soon afterward discovered that sacred law of nature which made the Rhine

and the Alps the legitimate boundaries of France, and assumed the power, which they have affected to exercise through the whole of the Revolution, of superseding, by a new code of their own, all the recognized principles of the law of nations. They were, in fact, actually advancing toward the republic of Holland, by rapid strides, after the victory of Jemappes and they had ordered their generals to pursue the Austrian troops into any neutral country, thereby explicitly avowing an intention of invading Holland. They had already shown their moderation and self-denial by incorporating Belgium with the French Republic. These lovers of peace, who set out with a sworn aversion to conquest, and professions of respect for the independence of other nations; who pretend that they departed from this system only in consequence of your aggression, themselves, in time of peace, while you were still confessedly neutral, without the pretence or shadow of provocation, wrested Savoy from the King of Sardinia, and had proceeded to incorporate it likewise with France.<sup>3</sup> These were their aggressions at this period, and more than these. They had issued a universal declaration of war against all the thrones of Europe, and they had, by their

conduct, applied it particularly and specifically to you. They had passed the decree of the 19th of November, 1792, proclaiming the promise of French succor to all nations who should manifest a wish to become free ; they had, by all their language as well as their example, shown what they understood to be freedom ; they had sealed their principles by the deposition of their sovereign ; they had applied them to England by inviting and encouraging the addresses of those seditious and traitorous societies, who, from the beginning, favored their views, and who, encouraged by your forbearance, were even then publicly avowing French doctrines, and anticipating their success in this country—who were hailing the progress of those proceedings in France which led to the murder of its king ; they were even then looking to the day when they should behold a National Convention in England formed upon similar principles.<sup>4</sup>

And what were the explanations they offered on these different grounds of offence ? As to Holland : they told you the Scheldt was too insignificant for you to trouble yourselves about, and therefore it was to be decided as they chose, in breach of positive treaty, which they had themselves guaranteed, and which we, by our

alliance, were bound to support. If, however, after the war was over, Belgium should have consolidated its liberty (a term of which we now know the meaning, from the fate of every nation into which the arms of France have penetrated) then Belgium and Holland might, if they pleased, settle the question of the Scheldt by separate negotiation between themselves. With respect to aggrandizement, they assured us that they would retain possession of Belgium by arms no longer than they should find it necessary to the purpose already stated, of consolidating its liberty. And with respect to the decree of the 19th of November, 1792, applied as it was pointedly to you, by all the intercourse I have stated with all the seditious and traitorous part of this country, and particularly by the speeches of every leading man among them, they contented themselves with asserting that the declaration conveyed no such meaning as was imputed to it, and that, so far from encouraging sedition, it could apply only to countries where a great majority of the people should have already declared itself in favor of a revolution: a supposition which, as they asserted, necessarily implied a total absence of all sedition.

What would have been the effect of admit-

ting this explanation? to suffer a nation, and an armed nation, to preach to the inhabitants of all the countries in the world that they themselves were slaves and their rulers tyrants; to encourage and invite them to revolution by a previous promise of French support to whatever might call itself a majority, or to whatever France might declare to be so. This was their explanation; and this, they told you, was their ultimatum.

But was this all? Even at that very moment, when they were endeavoring to induce you to admit these explanations, to be contented with the avowal that France offered herself as a general guaranty for every successful revolution, and would interfere only to sanction and confirm whatever the free and uninfluenced choice of the people might have decided, what were their orders to their generals on the same subject? In the midst of these amicable explanations with you came forth a decree which I really believe must be effaced from the minds of gentlemen opposite to me, if they can prevail upon themselves for a moment to hint even a doubt upon the origin of this quarrel, not only as to this country, but as to all the nations of Europe with whom France

has been subsequently engaged in hostility. I speak of the decree of the 15th of December, 1792. This decree, more even than all the previous transactions, amounted to a universal declaration of war against all thrones, and against all civilized governments. It said, wherever the armies of France shall come (whether within countries then at war or at peace is not distinguished) in all those countries it shall be the first care of their generals to introduce the principles and the practice of the French Revolution; to demolish all privileged orders, and every thing which obstructs the establishment of their new system.<sup>5</sup>

If any doubt is entertained whither the armies of France were intended to come; if it is contended that they referred only to those nations with whom they were then at war, or with whom, in the course of this contest, they might be driven into war; let it be remembered that at this very moment they had actually given orders to their generals to pursue the Austrian army from the Netherlands into Holland, with whom they were at that time in peace. Or, even if the construction contended for is admitted, let us see what would have been its application, let us look at the list of their aggres-





sions, which was read by my right honorable friend [Mr. Dundas] near me. With whom have they been at war since the period of this declaration? With all the nations of Europe save two (Sweden and Denmark), and if not with these two, it is only because, with every provocation that could justify defensive war, those countries have hitherto acquiesced in repeated violations of their rights rather than recur to war for their vindication. Wherever their arms have been carried it will be a matter of short subsequent inquiry to trace whether they have faithfully applied these principles. If in *terms* this decree is a denunciation of war against all governments; if in *practice* it has been applied against every one with which France has come into contact; what is it but the deliberate code of the French Revolution, from the birth of the Republic, which has never once been departed from, which has been enforced with unremitted rigor against all the nations that have come into their power?

If there could otherwise be any doubt whether the application of this decree was intended to be universal, whether it applied to all nations, and to England particularly; there is one circumstance which alone would

be decisive—that nearly at the same period it was proposed [by M. Baraillon], in the National Convention, to declare expressly that the decree of November 19th was confined to the nations with whom they were *then* at war; and that proposal was *rejected* by a great majority, by that very Convention from whom we were desired to receive these explanations as satisfactory.

Such, sir, was the nature of the system. Let us examine a little farther, whether it was from the beginning intended to be acted upon in the extent which I have stated. At the very moment when their threats appeared to many little else than the ravings of madmen, they were digesting and methodizing the means of execution, as accurately as if they had actually foreseen the extent to which they have since been able to realize their criminal projects. They sat down coolly to devise the most regular and effectual mode of making the application of this system the current business of the day, and incorporating it with the general orders of their army; for (will the House believe it!) this confirmation of the decree of November 19th was accompanied by an exposition and commentary addressed to the general of every

army of France, containing a schedule as coolly conceived, and as methodically reduced, as any by which the most quiet business of a justice of peace, or the most regular routine of any department of state in this country could be conducted. Each commander was furnished with one general blank formula of a letter for all the nations of the world! The people of France to the people of ———, Greeting, "We are come to expel your tyrants." Even this was not all; one of the articles of the decree of the fifteenth of December was expressly, "that those who should show themselves so brutish and so enamored of their chains as to refuse the restoration of their rights, to renounce liberty and equality, or to preserve, recall, or treat with their prince or privileged orders, were not entitled to the distinction which France, in other cases, had justly established between government and people; and that such a people ought to be treated according to the rigor of war, and of conquest." Here is their love of peace; here is their aversion to conquest; here is their respect for the independence of other nations!

It was then, after receiving such explanations as these, after receiving the ultimatum of

France, and after M. Chauvelin's credentials had ceased, that he was required to depart. Even at that period, I am almost ashamed to record it, we did not on our part shut the door against other attempts to negotiate, but this transaction was immediately followed by the declaration of war, proceeding not from England in vindication of her rights, but from France, as the completion of the injuries and insults they had offered. And on a war thus originating, can it be doubted by an English House of Commons whether the aggression was on the part of this country or of France? or whether the manifest aggression on the part of France was the result of any thing but the principles which characterize the French Revolution? \* \* \* \*

I will enlarge no farther on the origin of the war. I have read and detailed to you a system which was in itself a declaration of war against all nations, which was so intended, and which has been so applied, which has been exemplified in the extreme peril and hazard of almost all who for a moment have trusted to treaty, and which has not at this hour overwhelmed Europe in one indiscriminate mass of ruin, only because we have not indulged, to a fatal ex-

tremity, that disposition which we have, however, indulged too far ; because we have not consented to trust to profession and compromise, rather than to our own valor and exertion, for security against a system from which we never shall be delivered till either the principle is extinguished, or till its strength is exhausted.

I might, sir, if I found it necessary, enter into much detail upon this part of the subject ; but at present I only beg leave to express my readiness at any time to enter upon it, when either my own strength or the patience of the House will admit of it ; but I say, without distinction, against every nation in Europe, and against some out of Europe, the principle has been faithfully applied. You cannot look at the map of Europe, and lay your hand upon that country against which France has not either declared an open and aggressive war, or violated some positive treaty, or broken some recognized principle of the law of nations.

This subject may be divided into various periods. There were some acts of hostility committed previous to the war with this country, and very little, indeed, subsequent to that declaration, which abjured the love of conquest.

The attack upon the papal state, by the seizure of Avignon, in 1791, was accompanied with specimens of all the vile arts and perfidy that ever disgraced a revolution. Avignon was separated from its lawful sovereign, with whom not even the pretence of quarrel existed, and forcibly incorporated in the tyranny of one and indivisible France.<sup>7</sup> The same system led, in the same year, to an aggression against the whole German Empire, by the seizure of Porentrui, part of the dominions of the Bishop of Basle. Afterward, in 1792, unpreceded by any declaration of war, or any cause of hostility,<sup>8</sup> and in direct violation of the solemn pledge to abstain from conquest, they made war against the King of Sardinia, by the seizure of Savoy, for the purpose of incorporating it, in like manner, with France. In the same year, they had proceeded to the declaration of war against Austria, against Prussia, and against the German Empire, in which they have been justified only on the ground of a rooted hostility, combination, and league of sovereigns, for the dismemberment of France. I say that some of the documents brought to support this pretence are spurious and false. I say that even in those that are not so, there is not one word to prove the

charge principally relied upon, that of an intention to effect the dismemberment of France, or to impose upon it, by force, any particular constitution. I say that, as far as we have been able to trace what passed at Pilnitz, the declaration there signed referred to the imprisonment of Louis XVI.; its immediate view was to effect his deliverance, if a concert sufficiently extensive could be formed with other sovereigns for that purpose. It left the internal state of France to be decided by the king restored to his liberty, with the free consent of the states of his kingdom, and it did not contain one word relative to the *dismemberment* of France.<sup>9</sup>

In the subsequent discussions, which took place in 1792, and which embraced at the same time all the other points of jealousy which had arisen between the two countries, the Declaration of Pilnitz was referred to, and explained on the part of Austria in a manner precisely conformable to what I have now stated. The amicable explanations which took place, both on this subject and on all the matters in dispute, will be found in the official correspondence between the two courts which has been made public; and it will be found, also, that as long as the negotiation continued to be conducted

through M. Delessart, then Minister for Foreign Affairs, there was a great prospect that those discussions would be amicably terminated ; but it is notorious, and has since been clearly proved on the authority of Brissot himself, that the violent party in France considered such an issue of the negotiation as likely to be fatal to their projects, and thought, to use his own words, that "war was necessary to consolidate the Revolution." For the express purpose of producing the war, they excited a popular tumult in Paris ; they insisted upon and obtained the dismissal of M. Delessart. A new minister was appointed in his room, the tone of the negotiation was immediately changed, and an ultimatum was sent to the Emperor, similar to that which was afterward sent to this country, affording him no satisfaction on his just grounds of complaint, and requiring him, under those circumstances, to disarm. The first events of the contest proved how much more France was prepared for war than Austria, and afford a strong confirmation of the proposition which I maintain, that no offensive intention was entertained on the part of the latter power.

War was then declared against Austria, a war which I state to be a war of aggression on the



part of France. The King of Prussia had declared that he should consider war against the Emperor or empire as war against himself. He had declared that, as a coestate of the empire, he was determined to defend their rights; that, as an ally of the Emperor, he would support him to the utmost against any attack; and that, for the sake of his own dominions, he felt himself called upon to resist the progress of French principles, and to maintain the balance of power in Europe. With this notice before them, France declared war upon the Emperor, and the war with Prussia was the necessary consequence of this aggression, both against the Emperor and the empire.

The war against the King of Sardinia follows next. The declaration of that war was the seizure of Savoy by an invading army—and on what ground? On that which has been stated already. They had found out, by some light of nature, that the Rhine and the Alps were the natural limits of France. Upon that ground Savoy was seized; and Savoy was also incorporated with France.

Here finishes the history of the wars in which France was engaged antecedent to the war with Great Britain, with Holland, and with Spain.

With respect to Spain, we have seen nothing which leads us to suspect that either attachment to religion, or the ties of consanguinity, or regard to the ancient system of Europe, was likely to induce that court to connect itself in offensive war against France. The war was evidently and incontestably begun by France against Spain.

The case of Holland is so fresh in every man's recollection, and so connected with the immediate causes of the war with this country, that it cannot require one word of observation. What shall I say, then, on the case of Portugal? I cannot, indeed, say that France ever declared war against that country. I can hardly say even that she ever made war, but she required them to make a treaty of peace, as if they had been at war; she obliged them to purchase that treaty; she broke it as soon as it was purchased; and she had originally no other ground of complaint than this, that Portugal had performed, though inadequately, the engagements of its ancient defensive alliance with this country in the character of an auxiliary—a conduct which cannot of itself make any power a principal in a war.

I have now enumerated all the nations at war

at that period, with the exception only of Naples. It can hardly be necessary to call to the recollection of the House the characteristic feature of revolutionary principles which was shown, even at this early period, in the personal insult offered to the King of Naples, by the commander of a French squadron riding uncontrolled in the Mediterranean, and (while our fleets were yet unarmed) threatening destruction to all the coast of Italy.

It was not till a considerably later period that almost all the other nations of Europe found themselves equally involved in actual hostility; but it is not a little material to the whole of my argument, compared with the statement of the learned gentleman, and with that contained in the French note, to examine at what period this hostility extended itself. It extended itself, in the course of 1796, to the States of Italy which had hitherto been exempted from it. In 1797 it had ended in the destruction of most of them; it had ended in the virtual deposition of the King of Sardinia; it had ended in the conversion of Genoa and Tuscany into democratic republics; it had ended in the revolution of Venice, in the violation of treaties with the new Venetian Repub-

lic; and, finally, in transferring that very republic, the creature and vassal of France, to the dominion of Austria. \* \* \*

Let these facts and these dates be compared with what we have heard. The honorable gentleman has told us, and the author of the note from France has told us also, that all the French conquests were produced by the operations of the allies. It was, when they were pressed on all sides, when their own territory was in danger, when their own independence was in question, when the confederacy appeared too strong, it was then they used the means with which their power and their courage furnished them, and, "attacked upon all sides, they carried everywhere their defensive arms."<sup>10</sup> \* \* \*

Let us look at the conduct of France immediately subsequent to this period. She had spurned at the offers of Great Britain; she had reduced her continental enemies to the necessity of accepting a precarious peace; she had (in spite of those pledges repeatedly made and uniformly violated) surrounded herself by new conquests on every part of her frontier but one. That one was Switzerland. The first effect of being relieved from the war with Austria, of being secured against all fears of continental

invasion on the ancient territory of France, was their unprovoked attack against this unoffending and devoted country. This was one of the scenes which satisfied even those who were the most incredulous that France had thrown off the mask, "*if indeed she had ever worn it.*" It collected, in one view, many of the characteristic features of that revolutionary system which I have endeavored to trace—the perfidy which alone rendered their arms successful—the pretexts of which they availed themselves to produce division and prepare the entrance of Jacobinism in that country—the proposal of armistice, one of the known and regular engines of the Revolution, which was, as usual, the immediate prelude to military execution, attended with cruelty and barbarity, of which there are few examples. All these are known to the world. The country they attacked was one which had long been the faithful ally of France, which, instead of giving cause of jealousy to any other power, had been for ages proverbial for the simplicity and innocence of its manners, and which had acquired and preserved the esteem of all the nations of Europe; which had almost, by the common consent of mankind, been exempted from the

sound of war, and marked out as a land of Goshen, safe and untouched in the midst of surrounding calamities.

Look, then, at the fate of Switzerland, at the circumstances which led to its destruction. Add this instance to the catalogue of aggression against all Europe, and then tell me whether the system I have described has not been prosecuted with an unrelenting spirit, which can not be subdued in adversity, which cannot be appeased in prosperity, which neither solemn professions, nor the general law of nations, nor the obligation of treaties (whether previous to the Revolution or subsequent to it) could restrain from the subversion of every state into which, either by force or fraud, their arms could penetrate. Then tell me, whether the disasters of Europe are to be charged upon the provocation of this country and its allies, or on the inherent principle of the French Revolution, of which the natural result produced so much misery and carnage in France, and carried desolation and terror over so large a portion of the world.

Sir, much as I have now stated, I have not finished the catalogue. America, almost as much as Switzerland, perhaps, contributed to

that change which has taken place in the minds of those who were originally partial to the principles of the French Government. The hostility against America followed a long course of neutrality adhered to under the strongest provocations, or rather of repeated compliances to France, with which we might well have been dissatisfied. It was on the face of it unjust and wanton ; and it was accompanied by those instances of sordid corruption which shocked and disgusted even the enthusiastic admirers of revolutionary purity, and threw a new light on the genius of revolutionary government.<sup>11</sup>

After this, it remains only shortly to remind gentlemen of the aggression against Egypt, not omitting, however, to notice the capture of Malta in the way to Egypt. Inconsiderable as that island may be thought, compared with the scenes we have witnessed, let it be remembered that it is an island of which the government had long been recognized by every state of Europe, against which France pretended no cause of war, and whose independence was as dear to itself and as sacred as that of any country in Europe. It was in fact not unimportant, from its local situation to the other powers of Europe ; but in proportion as any man may

diminish its importance, the instance will only serve the more to illustrate and confirm the proposition which I have maintained. The all-searching eye of the French Revolution looks to every part of Europe, and every quarter of the world, in which can be found an object either of acquisition or plunder. Nothing is too great for the temerity of its ambition, nothing too small or insignificant for the grasp of its rapacity. From hence Bonaparte and his army proceeded to Egypt. The attack was made, pretences were held out to the natives of that country in the name of the French King, whom they had murdered. They pretended to have the approbation of the Grand Seignior, whose territories they were violating; their project was carried on under the profession of a zeal for Mohammedanism; it was carried on by proclaiming that France had been reconciled to the Mussulman faith, had abjured that of Christianity, or, as he in his impious language termed it, of *the sect of the Messiah*.<sup>12</sup>

The only plea which they have since held out to color this atrocious invasion of a neutral and friendly territory, is that it was the road to attack the English power in India. It is most unquestionably true that this was one and a



principal cause of this unparalleled outrage; but another, and an equally substantial, cause (as appears by their own statements) was the division and partition of the territories of what they thought a falling power. It is impossible to dismiss this subject without observing that this attack against Egypt was accompanied by an attack upon the British possessions in India, made on true revolutionary principles. In Europe the propagation of the principles of France had uniformly prepared the way for the progress of its arms. To India the lovers of peace had sent the messengers of Jacobinism, for the purpose of inculcating war in those distant regions on Jacobin principles, and of forming Jacobin clubs, which they actually succeeded in establishing; and which in most respects resembled the European model, but which were distinguished by this peculiarity, that they were required to swear in one breath hatred to tyranny, the love of liberty, and the destruction of all kings and sovereigns, except the good and faithful ally of the French Republic, *Citizen Tippoo*! <sup>13</sup>

What, then, was the nature of this system? Was it any thing but what I have stated it to be? an insatiable love of aggrandizement,

an implacable spirit of destruction against all the civil and religious institutions of every country. This is the first moving and acting spirit of the French Revolution ; this is the spirit which animated it at its birth, and this is the spirit which will not desert it till the moment of its dissolution, "which grew with its growth, which strengthened with its strength," but which has not abated under its misfortunes, nor declined in its decay. It has been invariably the same in every period, operating more or less, according as accident or circumstances might assist it ; but it has been inherent in the Revolution in all its stages ; it has equally belonged to Brissot, to Robespierre, to Tallien, to Reubel, to Barras, and to every one of the leaders of the Directory, but to none more than to Bonaparte, in whom now all their powers are united. What are its characters? Can it be accident that produced them? No, it is only from the alliance of the most horrid principles, with the most horrid means, that such miseries could have been brought upon Europe. It is this paradox which we must always keep in mind when we are discussing any question relative to the effects of the French Revolution. Groaning under every degree of misery, the vic-

tim of its own crimes, and as I once before expressed in this House, asking pardon of God and of man for the miseries which it has brought upon itself and others, France still retains (while it has neither left means of comfort nor almost of subsistence to its own inhabitants) new and unexampled means of annoyance and destruction against all the other powers of Europe.

Its first fundamental principle was to bribe the poor against the rich by proposing to transfer into new hands, on the delusive notion of equality, and in breach of every principle of justice, the whole property of the country. The practical application of this principle was to devote the whole of that property to indiscriminate plunder, and to make it the foundation of a revolutionary system of finance, productive in proportion to the misery and desolation which it created. It has been accompanied by an unwearied spirit of proselytism, diffusing itself over all the nations of the earth; a spirit which can apply itself to all circumstances and all situations, which can furnish a list of grievances and hold out a promise of redress equally to all nations; which inspired the teachers of French liberty with the hope of alike recommending themselves to those who live under

the feudal code of the German Empire ; to the various states of Italy, under all their different institutions ; to the old republicans of Holland, and to the new republicans of America ; to the Catholic of Ireland, whom it was to deliver from Protestant usurpation ; to the Protestant of Switzerland, whom it was to deliver from Popish superstition ; and to the Mussulman of Egypt, whom it was to deliver from Christian persecution ; to the remote Indian, blindly bigoted to his ancient institutions ; and to the natives of Great Britain, enjoying the perfection of practical freedom, and justly attached to their Constitution, from the joint result of habit, of reason, and of experience. The last and distinguishing feature is a perfidy which nothing can bind, which no tie of treaty, no sense of the principles generally received among nations, no obligation, human or divine, can restrain. Thus qualified, thus armed for destruction, the genius of the French Revolution marched forth, the terror and dismay of the world. Every nation has in its turn been the witness, many have been the victims of its principles ; and it is left for us to decide whether we will compromise with such a danger, while we have yet resources to supply the sinews of

war, while the heart and spirit of the country is yet unbroken, and while we have the means of calling forth and supporting a powerful co-operation in Europe.

Much more might be said on this part of the subject; but if what I have said already is a faithful, though only an imperfect, sketch of those excesses and outrages which even history itself will hereafter be unable fully to represent and record, and a just representation of the principle and source from which they originated, will any man say that we ought to accept a precarious security against so tremendous a danger? Much more—will he pretend, after the experience of all that has passed in the different stages of the French Revolution, that we ought to be deterred from probing this great question to the bottom, and from examining, without ceremony or disguise, whether the change which has recently taken place in France is sufficient now to give security, not against a common danger, but against such a danger as that which I have described?

In examining this part of the subject, let it be remembered that there is one other characteristic of the French Revolution as striking as its dreadful and destructive principles: I



mean the instability of its government, which has been of itself sufficient to destroy all reliance, if any such reliance could at any time have been placed on the good faith of any of its rulers. Such has been the incredible rapidity with which the revolutions in France have succeeded each other, that I believe the names of those who have successively exercised absolute power, under the pretence of liberty, are to be numbered by the years of the Revolution, and by each of the new Constitutions, which, under the same pretence, has in its turn been imposed by force on France, all of which alike were founded upon principles which professed to be universal, and were intended to be established and perpetuated among all the nations of the earth. Each of these will be found, upon an average, to have had about two years as the period of its duration.

Under this revolutionary system, accompanied with this perpetual fluctuation and change, both in the form of the government and in the persons of the rulers, what is the security which has hitherto existed, and what new security is now offered? Before an answer is given to this question, let me sum up the history of all the revolutionary governments

of France, and of their characters in relation to other powers, in words more emphatical than any which I could use—the memorable words pronounced, on the eve of this last Constitution, by the orator who was selected to report to an Assembly, surrounded by a file of grenadiers, the new form of liberty which it was destined to enjoy under the auspices of General Bonaparte. From this reporter, the mouth and organ of the new government, we learn this important lesson :

“ It is easy to conceive why peace was not concluded before the establishment of the constitutional government. The only government which then existed described itself as revolutionary ; it was, in fact, only the tyranny of a few men who were soon overthrown by others, and it consequently presented no stability of principles or of views, no security either with respect to men or with respect to things.

“ It should seem that that stability and that security ought to have existed from the establishment, and as the effect of the constitutional system ; and yet they did not exist more, perhaps even less, than they had done before. In truth, we did make some partial treaties ; we signed a continental peace, and a general con-

gress was held to confirm it ; but these treaties, these diplomatic conferences, appear to have been the source of a new war, more inveterate and more bloody than before.

“ Before the 18th Fructidor (4th September) of the fifth year, the French Government exhibited to foreign nations so uncertain an existence that they refused to treat with it. After this great event, the whole power was absorbed in the Directory ; the legislative body can hardly be said to have existed ; treaties of peace were broken, and war carried everywhere, without that body having any share in those measures. The same Directory, after having intimidated all Europe, and destroyed, at its pleasure, several governments, neither knowing how to make peace or war, or how even to establish itself, was overturned by a breath, on the 13th Prairial (18th June), to make room for other men, influenced perhaps by different views, or who might be governed by different principles.

“ Judging, then, only from notorious facts, the French Government must be considered as exhibiting nothing fixed, neither in respect to men nor to things.”

Here, then, is the picture, down to the period of the last revolution, of the state of France under all its successive governments !



Having taken a view of what it was, let us now examine what it is. In the first place, we see, as has been truly stated, a change in the description and form of the sovereign authority. A supreme power is placed at the head of this nominal republic, with a more open avowal of military despotism than at any former period ; with a more open and undisguised abandonment of the names and pretences under which that despotism long attempted to conceal itself. The different institutions, republican in their form and appearance, which were before the instruments of that despotism, are now annihilated ; they have given way to the absolute power of one man, concentrating in himself all the authority of the state, and differing from other monarchs only in this, that (as my honorable friend [Mr. Canning] truly stated it) he wields a sword instead of a sceptre. What, then, is the confidence we are to derive either from the frame of the government, or from the character and past conduct of the person who is now the absolute ruler of France ?

Had we seen a man of whom we had no previous knowledge suddenly invested with the sovereign authority of the country ; invested with the power of taxation, with the power of

the sword, the power of war and peace, the unlimited power of commanding the resources, of disposing of the lives and fortunes, of every man in France ; if we had seen at the same moment all the inferior machinery of the Revolution, which, under the variety of successive shocks, had kept the system in motion, still remaining entire,—all that, by requisition and plunder, had given activity to the revolutionary system of finance, and had furnished the means of creating an army, by converting every man who was of age to bear arms into a soldier, not for the defence of his own country, but for the sake of carrying the war into the country of the enemy ; if we had seen all the subordinate instruments of Jacobin power subsisting in their full force, and retaining (to use the French phrase) all their original organization ; and had then observed this single change in the conduct of their affairs, that there was now *one man*, with no rival to thwart his measures, no colleague to divide his powers, no council to control his operations, no liberty of speaking or writing, no expression of public opinion to check or influence his conduct ; under such circumstances, should we be wrong to pause, or wait for the evidence of facts and experience,

before we consented to trust our safety to the forbearance of a single man, in such a situation, and to relinquish those means of defence which have hitherto carried us safe through all the storms of the Revolution, if we were to ask what are the principles and character of this stranger, to whom fortune has suddenly committed the concerns of a great and powerful nation?

But is this the actual state of the present question? Are we talking of a stranger of whom we have heard nothing? No, sir, we have heard of him; we, and Europe, and the world, have heard both of him and of the satellites by whom he is surrounded, and it is impossible to discuss fairly the propriety of any answer which could be returned to his overtures of negotiation without taking into consideration the inferences to be drawn from his personal character and conduct. I know it is the fashion with some gentlemen to represent any reference to topics of this nature as invidious and irritating; but the truth is, that they rise unavoidably out of the very nature of the question. Would it have been possible for ministers to discharge their duty, in offering their advice to their sovereign, either for accepting or declin-

ing negotiation, without taking into their account the reliance to be placed on the disposition and the principles of the person on whose disposition and principles the security to be obtained by treaty must, in the present circumstances, principally depend? Or would they act honestly or candidly toward Parliament and toward the country if, having been guided by these considerations, they forbore to state, publicly and distinctly, the real grounds which have influenced their decision; and if, from a false delicacy and groundless timidity, they purposely declined an examination of a point, the most essential toward enabling Parliament to form a just determination on so important a subject?

What opinion, then, are we led to form of the pretensions of the Consul to those particular qualities for which, in the official note, his personal character is represented to us as the surest pledge of peace? We are told this is his second attempt at general pacification. Let us see, for a moment, how his attempt has been conducted. There is, indeed, as the learned gentleman has said, a word in the first declaration which refers to general peace, and which states this to be the second time in

which the Consul has endeavored to accomplish that object. We thought fit, for the reasons which have been assigned, to decline altogether the proposal of treating, under the present circumstances, but we, at the same time, expressly stated that, whenever the moment for treaty should arrive, we would in no case treat but in conjunction with our allies. Our general refusal to negotiate at the present moment does not prevent the Consul from renewing his overtures ; but are they renewed for the purpose of general pacification ? Though he had hinted at general peace in the terms of his first note ; though we had shown by our answer that we deemed negotiation, even for general peace, at this moment inadmissible ; though we added that, even at any future period, we would treat only in conjunction with our allies, what was the proposal contained in his last note ? To treat for a separate peace between Great Britain and France.

Such was the second attempt to effect *general pacification* — a proposal for a *separate* treaty with Great Britain. What had been the first ? The conclusion of a separate treaty with Austria ; and there are two anecdotes connected with the conclusion of this treaty, which are

sufficient to illustrate the disposition of this pacificator of Europe. This very treaty of Campo Formio was ostentatiously professed to be concluded with the Emperor for the purpose of enabling Bonaparte to take the command of the army of England, and to dictate a separate peace with this country on the banks of the Thames. But there is this additional circumstance, singular beyond all conception, considering that we are now referred to the treaty of Campo Formio as a proof of the personal disposition of the Consul to general peace. He sent his two confidential and chosen friends, Berthier and Monge, charged to communicate to the Directory this treaty of Campo Formio ; to announce to them that one enemy was humbled, that the war with Austria was terminated, and, therefore, that now was the moment to prosecute their operations against this country ; they used on this occasion the memorable words : "*The kingdom of Great Britain and the French Republic can not exist together.*"<sup>14</sup> This, I say, was the solemn declaration of the deputies and ambassadors of Bonaparte himself, offering to the Directory the first-fruits of this first attempt at general pacification.

So much for his disposition toward general

pacification. Let us look next at the part he has taken in the different stages of the French Revolution, and let us then judge whether we are to look to him as the security against revolutionary principles. Let us determine what reliance we can place on his engagements with other countries, when we see how he has observed his engagements to his own. When the Constitution of the third year was established under Barras, that Constitution was imposed by the arms of Bonaparte, then commanding the army of the triumvirate in Paris. To that Constitution he then swore fidelity. How often he has repeated the same oath, I know not, but twice, at least, we know that he has not only repeated it himself, but tendered it to others, under circumstances too striking not to be stated.

Sir, the House cannot have forgotten the Revolution of the 4th of September, which produced the dismissal of Lord Malmesbury from Lisle. How was that revolution procured? It was procured chiefly by the promise of Bonaparte, in the name of his army, decidedly to support the Directory in those measures which led to the infringement and violation of every thing that the authors of the Constitution

of 1795, or its adherents, could consider as fundamental, and which established a system of despotism inferior only to that now realized in his own person. Immediately before this event, in the midst of the desolation and bloodshed of Italy he had received the sacred present of new banners from the Directory; he delivered them to his army with this exhortation: "Let us swear, fellow-soldiers, by the names of the patriots who have died by our side, eternal hatred to the enemies of the Constitution of the third year,—that very Constitution which he soon after enabled the Directory to violate, and which at the head of his grenadiers he has now finally destroyed. Sir, that oath was again renewed, in the midst of that very scene to which I have last referred; the oath of fidelity to the Constitution of the third year was administered to all the members of the Assembly then sitting, under the terror of the bayonet, as the solemn preparation for the business of the day; and the morning was ushered in with swearing attachment to the Constitution, that the evening might close with its destruction.

If we carry our views out of France, and look at the dreadful catalogue of all the breaches of



treaty, all the acts of perfidy at which I have only glanced, and which are precisely commensurate with the number of treaties which the Republic has made (for I have sought in vain for any one which it has made and which it has not broken); if we trace the history of them all from the beginning of the Revolution to the present time, or if we select those which have been accompanied by the most atrocious cruelty, and marked the most strongly with the characteristic features of the Revolution, the name of Bonaparte will be found allied to more of them than that of any other that can be handed down in the history of the crimes and miseries of the last ten years. His name will be recorded with the horrors committed in Italy, in the memorable campaign of 1796 and 1797, in the Milanese, in Genoa, in Modena, in Tuscany, in Rome, and in Venice.

His entrance into Lombardy was announced by a solemn proclamation, issued on the 27th of April, 1796, which terminated with these words: "Nations of Italy! the French Army is come to break your chains; the French are the friends of the people in every country; your religion, your property, your customs shall be respected." This was followed by a second

proclamation, dated from Milan, 20th of May, and signed "*Bonaparte*," in these terms: "Respect for property and personal security; respect for the religion of countries—these are the sentiments of the government of the French Republic and of the army of Italy. The French, victorious, consider the nations of Lombardy as their brothers." In testimony of this fraternity, and to fulfil the solemn pledge of respecting property, this very proclamation imposed on the Milanese a provisional contribution to the amount of twenty millions of livres, or near one million sterling, and successive exactions were afterward levied on that single state to the amount, in the whole, of near six millions sterling. The regard to religion and to the customs of the country was manifested with the same scrupulous fidelity. The churches were given up to indiscriminate plunder. Every religious and charitable fund, every public treasure, was confiscated. The country was made the scene of every species of disorder and rapine. The priests, the established form of worship, all the objects of religious reverence, were openly insulted by the French troops; at Pavia, particularly, the tomb of St. Augustin, which the inhabitants were ac-

customed to view with peculiar veneration, was mutilated and defaced; this last provocation having roused the resentment of the people they flew to arms, surrounded the French garrison and took them prisoners, but carefully abstained from offering any violence to a single soldier. In revenge for this conduct, Bonaparte, then on his march to the Mincio, suddenly returned, collected his troops, and carried the extremity of military execution over the country. He burned the town of Benasco, and massacred eight hundred of its inhabitants; he marched to Pavia, took it by storm, and delivered it over to general plunder, and published, at the same moment, a proclamation of the 26th of May, ordering his troops to shoot all those who had not laid down their arms and taken an oath of obedience, and to burn every village where the tocsin should be sounded, and to put its inhabitants to death.

The transactions with Modena were on a smaller scale, but in the same character. Bonaparte began by signing a treaty, by which the Duke of Modena was to pay twelve millions of livres, and neutrality was promised him in return; this was soon followed by the personal arrest of the Duke, and by a fresh extortion of

two hundred thousand sequins. After this he was permitted, on the payment of a farther sum, to sign another treaty, called a *convention de sûreté*, which of course was only the prelude to the repetition of similar exactions.

Nearly at the same period, in violation of the rights of neutrality and of the treaty which had been concluded between the French Republic and the Grand Duke of Tuscany in the preceding year, and in breach of a positive promise given only a few days before, the French army forcibly took possession of Leghorn, for the purpose of seizing the British property which was deposited there and confiscating it as a prize ; and shortly after, when Bonaparte agreed to evacuate Leghorn, in return for the evacuation of the island of Elba, which was in possession of the British troops, he insisted upon a separate article, by which, in addition to the plunder before obtained, by the infraction of the law of nations, it was stipulated that the Grand Duke should pay the expense which the French had incurred by this invasion of his territory.

In the proceedings toward Genoa we shall find not only a continuance of the same system of extortion and plunder, in violation of the

solemn pledge contained in the proclamations already referred to, but a striking instance of the revolutionary means employed for the destruction of independent governments. A French minister was at that time resident at Genoa, which was acknowledged by France to be in a state of neutrality and friendship; in breach of this neutrality Bonaparte began, in the year 1796, with the demand of a loan. He afterward, from the month of September, required and enforced the payment of a monthly subsidy, to the amount which he thought proper to stipulate. These exactions were accompanied by repeated assurances and protestations of friendship; they were followed, in May, 1797, by a conspiracy against the government, fomented by the emissaries of the French embassy, and conducted by the partisans of France, encouraged and afterward protected by the French minister. The conspirators failed in their first attempt. Overpowered by the courage and voluntary exertions of the inhabitants, their force was dispersed, and many of their number were arrested. Bonaparte instantly considered the defeat of the conspirators as an act of aggression against the French Republic; he despatched an aid-de-camp with an

order to the Senate of this independent State ; first, to release all the French who were detained ; secondly, to punish those who had arrested them ; thirdly, to declare that *they had no share in the insurrection* ; and fourthly, to disarm the people. Several French prisoners were immediately released, and a proclamation was preparing to disarm the inhabitants, when, by a second note, Bonaparte required the arrest of the three inquisitors of state, and immediate alterations in the Constitution. He accompanied this with an order to the French minister to quit Genoa, if his commands were not immediately carried into execution ; at the same moment his troops entered the territory of the Republic ; and shortly after, the councils, intimidated and overpowered, abdicated their functions. Three deputies were then sent to Bonaparte to receive from him a new Constitution. On the 6th of June, after the conferences at Montebello, he signed a convention, or rather issued a decree, by which he fixed the new form of their government ; he himself named provisionally all the members who were to compose it, and he required the payment of seven millions of livres as the price of the subversion of their Constitution and their inde-

pendence. These transactions require but one short comment. It is to be found in the official account given of them at Paris; which is in these memorable words: "General Bonaparte has pursued the only line of conduct which could be allowed in the representative of a nation which has supported the war only to procure the solemn acknowledgment of the right of nations to change the form of their government. He contributed nothing toward the revolution of Genoa, but he seized the first moment to acknowledge the new government, as soon as he saw that it was the result of the wishes of the people."

It is unnecessary to dwell on the wanton attacks against Rome, under the direction of Bonaparte himself, in the year 1796, and in the beginning of 1797, which terminated first by the treaty of Tolentino concluded by Bonaparte, in which, by enormous sacrifices, the Pope was allowed to purchase the acknowledgment of his authority as a sovereign prince; and secondly, by the violation of that very treaty, and the subversion of the papal authority by Joseph Bonaparte, the brother and the agent of the general, and the minister of the French Republic to the Holy See. A transac-

tion accompanied by outrages and insults toward the pious and venerable Pontiff, in spite of the sanctity of his age and the unsullied purity of his character, which even to a Protestant seem hardly short of the guilt of sacrilege.

But of all the disgusting and tragical scenes which took place in Italy in the course of the period I am describing, those which passed at Venice are perhaps the most striking and the most characteristic. In May, 1796, the French army, under Bonaparte, in the full tide of its success against the Austrians, first approached the territories of this Republic, which from the commencement of the war had observed a rigid neutrality. Their entrance on these territories was, as usual, accompanied by a solemn proclamation in the name of their general :

BONAPARTE TO THE REPUBLIC OF VENICE.

"It is to deliver the finest country in Europe *from the iron yoke of the proud house of Austria*, that the French army has braved obstacles the most difficult to surmount. Victory in union with justice has crowned its efforts. The wreck of the enemy's army has retired behind the Mincio. The French army, in order to follow them, passes over the territory of the Republic of Venice ; but it will never forget that ancient friendship unites the two republics. Religion, government, customs, and property shall be respected. That the people may be without apprehension, the most severe discipline shall be



maintained. All that may be provided for the army shall be faithfully paid for in money. The general-in-chief engages the officers of the Republic of Venice, the magistrates, and the priests, to make known these sentiments to the people, in order that confidence may cement that friendship which has so long united the two nations. Faithful in the path of honor as in that of victory, the French soldier is terrible only to the enemies of his liberty and his government.

“BONAPARTE.”

This proclamation was followed by exactions similar to those which were practised against Genoa, by the renewal of similar professions of friendship, and the use of similar means to excite insurrection. At length, in the spring of 1797, occasion was taken, from disturbances thus excited, to forge in the name of the Venetian Government, a proclamation hostile to France, and this proceeding was made the ground for military execution against the country, and for effecting by force the subversion of its ancient government and the establishment of the democratic forms of the French Revolution. This revolution was sealed by a treaty, signed in May, 1797, between Bonaparte and commissioners appointed on the part of the new and revolutionary government of Venice. By the second and third secret articles of this treaty, Venice agreed to give as a ransom, to

secure itself against all further exactions or demands, the sum of three millions of livres in money, the value of three millions more in articles of naval supply, and three ships of the line ; and it received in return the assurances of the friendship and support of the French Republic. Immediately after the signature of this treaty, the arsenal, the library, and the palace of St. Marc were ransacked and plundered, and heavy additional contributions were imposed upon its inhabitants. And, in not more than four months afterward, this very Republic of Venice, united by alliance to France, the creature of Bonaparte himself, from whom it had received the present of French liberty, was by the same Bonaparte transferred, under the treaty of Campo Formio, to "*that iron yoke of the proud house of Austria*," to deliver it from which he had represented in his first proclamation to be the great object of all his operations.

Sir, all this is followed by the memorable expedition into Egypt, which I mention, not merely because it forms a principal article in the catalogue of those acts of violence and perfidy in which Bonaparte has been engaged ; not merely because it was an enterprise peculiarly his own, of which he was himself the planner,

the executor, and the betrayer; but chiefly because when from thence he retires to a different scene, to take possession of a new throne, from which he is to speak upon an equality with the kings and governors of Europe, he leaves behind him, at the moment of his departure, a specimen, which cannot be mistaken, of his principles of negotiation. The intercepted correspondence which has been alluded to in this debate, seems to afford the strongest ground to believe that his offers to the Turkish Government to evacuate Egypt were made solely with a view to gain time; that the ratification of any treaty on this subject was to be delayed with the view of finally eluding its performance, if any change of circumstances favorable to the French should occur in the interval. But whatever gentlemen may think of the intention with which these offers were made, there will at least be no question with respect to the credit due to those professions by which he endeavored to prove in Egypt his pacific dispositions. He expressly enjoins his successor strongly and steadily to insist, in all his intercourse with the Turks, that he came to Egypt with no hostile design, and that he never meant to keep possession of the country; while, on the opposite

page of the same instructions, he states in the most unequivocal manner his regret at the discomfiture of his favorite project of colonizing Egypt, and of maintaining it as a territorial acquisition. Now, sir, if in any note addressed to the Grand Vizier or the Sultan, Bonaparte had claimed credit for the sincerity of his professions, that he came to Egypt with no view hostile to Turkey, and solely for the purpose of molesting the British interests, is there any one argument now used to induce us to believe his present professions to us, which might not have been equally urged on that occasion? Would not those professions have been equally supported by solemn asseveration, by the same reference which is now made to personal character, with this single difference, that they would have then had one instance less of hypocrisy and falsehood, which we have since had occasion to trace in this very transaction?

It is unnecessary to say more with respect to the credit due to his professions, or the reliance to be placed on his general character. But it will, perhaps, be argued that whatever may be his character, or whatever has been his past conduct, he has now an interest in making and observing peace. That he has an interest in

making peace is at best but a doubtful proposition, and that he has an interest in preserving it is still more uncertain. That it is his interest to negotiate, I do not indeed deny. It is his interest, above all, to engage this country in separate negotiation, in order to loosen and dissolve the whole system of the confederacy on the continent, to palsy at once the arms of Russia, or of Austria, or of any other country that might look to you for support ; and then either to break off his separate treaty, or, if he should have concluded it, to apply the lesson which is taught in his school of policy in Egypt, and to revive at his pleasure those claims of indemnification which *may have been reserved to some happier period.*

This is precisely the interest which he has in negotiation. But on what grounds are we to be convinced that he has an interest in concluding and observing a solid and permanent pacification? Under all the circumstances of his personal character, and his newly acquired power, what other security has he for retaining that power but the sword? His hold upon France is the sword, and he has no other. Is he connected with the soil, or with the habits, the affections, or the prejudices of the country?

He is a stranger, a foreigner, and a usurper. He unites in his own person every thing that a pure republican must detest ; every thing that an enraged Jacobin has abjured ; every thing that a sincere and faithful royalist must feel as an insult. If he is opposed at any time in his career, what is his appeal? *He appeals to his fortune* ; in other words, to his army and his sword. Placing, then, his whole reliance upon military support, can he afford to let his military renown pass away, to let his laurels wither, to let the memory of his trophies sink in obscurity? Is it certain that with his army confined within France, and restrained from inroads upon her neighbors, that he can maintain, at his devotion, a force sufficiently numerous to support his power? Having no object but the possession of absolute dominion, no passion but military glory, is it to be reckoned as certain that he can feel such an interest in permanent peace as would justify us in laying down our arms, reducing our expense, and relinquishing our means of security, on the faith of his engagements? Do we believe that, after the conclusion of peace, he would not still sigh over the lost trophies of Egypt, wrested from him by the celebrated victory of Aboukir, and the



brilliant exertions of that heroic band of British seamen, whose influence and example rendered the Turkish troops invincible at Acre? Can he forget that the effect of these exploits enabled Austria and Russia, in one campaign, to recover from France all which she had acquired by his victories, to dissolve the charm which for a time fascinated Europe, and to show that their generals, contending in a just cause, could efface, even by their success and their military glory, the most dazzling triumphs of his victorious and desolating ambition?

Can we believe, with these impressions on his mind, that if, after a year, eighteen months, or two years of peace had elapsed, he should be tempted by the appearance of fresh insurrection in Ireland, encouraged by renewed and unrestrained communication with France, and fomented by the fresh infusion of Jacobin principles; if we were at such a moment without a fleet to watch the ports of France, or to guard the coasts of Ireland, without a disposable army, or an embodied militia, capable of supplying a speedy and adequate re-enforcement, and that he had suddenly the means of transporting thither a body of twenty or thirty thousand French troops; can we believe that,

at such a moment, his ambition and vindictive spirit would be restrained by the recollection of engagements or the obligation of treaty? Or if, in some new crisis of difficulty and danger to the Ottoman Empire, with no British navy in the Mediterranean, no confederacy formed, no force collected to support it, an opportunity should present itself for resuming the abandoned expedition to Egypt, for renewing the avowed and favorite project of conquering and colonizing that rich and fertile country, and of opening the way to wound some of the vital interests of England, and to plunder the treasures of the East, in order to fill the bankrupt coffers of France,—would it be the interest of Bonaparte, under such circumstances, or his principles, his moderation, his love of peace, his aversion to conquest, and his regard for the independence of other nations—would it be all or any of these that would secure us against an attempt which would leave us only the option of submitting without a struggle to certain loss and disgrace, or of renewing the contest which we had prematurely terminated, without allies, without preparation, with diminished means, and with increased difficulty and hazard?

Hitherto I have spoken only of the reliance



which we can place on the professions, the character, and the conduct of the present First Consul ; but it remains to consider the stability of his power. The Revolution has been marked throughout by a rapid succession of new depositaries of public authority, each supplanting its predecessor. What grounds have we to believe that this new usurpation, more odious and more undisguised than all that preceded it, will be more durable ? Is it that we rely on the particular provisions contained in the code of the pretended Constitution, which was proclaimed as accepted by the French people as soon as the garrison of Paris declared their determination to exterminate all its enemies, and before any of its articles could even be known to half the country, whose consent was required for its establishment ?

I will not pretend to inquire deeply into the nature and effects of a Constitution which can hardly be regarded but as a farce and a mockery. If, however, it could be supposed that its provisions were to have any effect, it seems equally adapted to two purposes : that of giving to its founder, for a time, an absolute and uncontrolled authority ; and that of laying the certain foundation of disunion and discord, which,

if they once prevail, must render the exercise of all the authority under the Constitution impossible, and leave no appeal but to the sword.

Is, then, military despotism that which we are accustomed to consider as a stable form of government? In all ages of the world it has been attended with the least stability to the persons who exercised it, and with the most rapid succession of changes and revolutions. In the outset of the French Revolution, its advocates boasted that it furnished a security forever, not to France only, but to all countries in the world, against military despotism; that the force of standing armies was vain and delusive; that no artificial power could resist public opinion; and that it was upon the foundation of public opinion alone that any government could stand. I believe that in this instance, as in every other, the progress of the French Revolution has belied its professions; but, so far from its being a proof of the prevalence of public opinion against military force, it is, instead of the proof, the strongest exception from that doctrine which appears in the history of the world. Through all the stages of the Revolution military force has governed, and public opinion has scarcely been heard. But

still I consider this as only an exception from a general truth. I still believe that in every civilized country, not enslaved by a Jacobin faction, public opinion is the only sure support of any government. I believe this with the more satisfaction, from a conviction that, if this contest is happily terminated, the established governments of Europe will stand upon that rock firmer than ever; and, whatever may be the defects of any particular Constitution, those who live under it will prefer its continuance to the experiment of changes which may plunge them in the unfathomable abyss of revolution, or extricate them from it only to expose them to the terrors of military despotism. And to apply this to France, I see no reason to believe that the present usurpation will be more permanent than any other military despotism which has been established by the same means, and with the same defiance of public opinion.

What, then, is the inference I draw from all that I have now stated? Is it that we will in *no case* treat with Bonaparte? I say no such thing. But I say, as has been said in the answer returned to the French note, that we ought to wait for "*experience and the evidence of facts*" before we are convinced that such a

treaty is admissible. The circumstances I have stated would well justify us if we should be slow in being convinced ; but on a question of peace and war, every thing depends upon degree and upon comparison. If, on the one hand, there should be an appearance that the policy of France is at length guided by different maxims from those which have hitherto prevailed ; if we should hereafter see signs of stability in the government which are not now to be traced ; if the progress of the allied army should not call forth such a spirit in France as to make it probable that the act of the country itself will destroy the system now prevailing ; if the danger, the difficulty, the risk of continuing the contest should increase, while the hope of complete ultimate success should be diminished ; all these, in their due place, are considerations which, with myself and, I can answer for it, with every one of my colleagues, will have their just weight. But at present these considerations all operate one way ; at present there is nothing from which we can presage a favorable disposition to change in the French councils. There is the greatest reason to rely on powerful co-operation from our allies ; there are the strongest marks of a

disposition in the interior of France to active resistance against this new tyranny ; and there is every ground to believe, on reviewing our situation and that of the enemy, that, if we are ultimately disappointed of that complete success which we are at present entitled to hope, the continuance of the contest, instead of making our situation comparatively worse, will have made it comparatively better.

If, then, I am asked how long are we to persevere in the war, I can only say that no period can be accurately assigned. Considering the importance of obtaining complete security for the objects for which we contend, we ought not to be discouraged too soon ; but, on the contrary, considering the importance of not impairing and exhausting the radical strength of the country, there are limits beyond which we ought not to persist, and which we can determine only by estimating and comparing fairly, from time to time, the degree of security to be obtained by treaty, and the risk and disadvantage of continuing the contest.

But, sir, there are some gentlemen in the House who seem to consider it already certain that the ultimate success to which I am looking is unattainable. They suppose us contending

only for the restoration of the French monarchy, which they believe to be impracticable, and deny to be desirable for this country. We have been asked in the course of this debate: Do you think you can impose monarchy upon France, against the will of the nation? I never thought it, I never hoped it, I never wished it. I have thought, I have hoped, I have wished, that the time might come when the effect of the arms of the allies might so far overpower the military force which keeps France in bondage, as to give vent and scope to the thoughts and actions of its inhabitants. We have, indeed, already seen abundant proof of what is the disposition of a large part of the country; we have seen almost through the whole of the Revolution the western provinces of France deluged with the blood of its inhabitants, obstinately contending for their ancient laws and religion. We have recently seen, in the revival of that war, fresh proof of the zeal which still animates those countries in the same cause. These efforts (I state it distinctly, and there are those near me who can bear witness to the truth of the assertion) were not produced by any instigation from hence; they were the effects of a rooted sentiment prevailing through all

those provinces forced into action by the "law of the hostages" and the other tyrannical measures of the Directory, at the moment when we were endeavoring to discourage so hazardous an enterprise. If, under such circumstances, we find them giving proofs of their unalterable perseverance in their principles; if there is every reason to believe that the same disposition prevails in many other extensive provinces of France; if every party appears at length equally wearied and disappointed with all the successive changes which the Revolution has produced; if the question is no longer between monarchy, and even the pretence and name of liberty, but between the ancient line of hereditary princes on the one hand, and a military tyrant, a foreign usurper, on the other; if the armies of that usurper are likely to find sufficient occupation on the frontiers, and to be forced at length to leave the interior of the country at liberty to manifest its real feeling and disposition; what reason have we to anticipate, that the restoration of monarchy under such circumstances is impracticable?

In the exhausted and impoverished state of France, it seems for a time impossible that any system but that of robbery and confisca-

tion, any thing but the continued torture, which can be applied only by the engines of the Revolution, can extort from its ruined inhabitants more than the means of supporting in peace the yearly expenditure of its government. Suppose, then, the heir of the house of Bourbon reinstated on the throne, he will have sufficient occupation in endeavoring, if possible, to heal the wounds, and gradually to repair the losses of ten years of civil convulsion ; to reanimate the drooping commerce, to rekindle the industry, to replace the capital, and to revive the manufactures of the country. Under such circumstances, there must probably be a considerable interval before such a monarch, whatever may be his views, can possess the power which can make him formidable to Europe ; but while the system of the Revolution continues, the case is quite different. It is true, indeed, that even the gigantic and unnatural means by which that revolution has been supported are so far impaired ; the influence of its principles and the terror of its arms so far weakened ; and its power of action so much contracted and circumscribed, that against the embodied force of Europe, prosecuting a vigorous war, we may justly hope that the remnant and wreck of this



system cannot long oppose an effectual resistance.

But, supposing the confederacy of Europe prematurely dissolved ; supposing our armies disbanded, our fleets laid up in our harbors, our exertions relaxed, and our means of precaution and defence relinquished ; do we believe that the Revolutionary power, with this rest and breathing-time given it to recover from the pressure under which it is now sinking, possessing still the means of calling suddenly and violently into action whatever is the remaining physical force of France, under the guidance of military despotism ; do we believe that this revolutionary power, the terror of which is now beginning to vanish, will not again prove formidable to Europe ? Can we forget that in the ten years in which that power has subsisted, it has brought more misery on surrounding nations, and produced more acts of aggression, cruelty, perfidy, and enormous ambition than can be traced in the history of France for the centuries which have elapsed since the foundation of its monarchy, including all the wars which, in the course of that period, have been waged by any of those sovereigns, whose projects of aggrandizement and violations of treaty

afford a constant theme of general reproach against the ancient government of France? And if not, can we hesitate whether we have the best prospect of permanent peace, the best security for the independence and safety of Europe, from the restoration of the lawful government, or from the continuance of revolutionary power in the hands of Bonaparte?

In compromise and treaty with such a power placed in such hands as now exercise it, and retaining the same means of annoyance which it now possesses, I see little hope of permanent security. I see no possibility at this moment of such a peace as would justify that liberal intercourse which is the essence of real amity; no chance of terminating the expenses or the anxieties of war, or of restoring to us any of the advantages of established tranquillity, and, as a sincere lover of peace, I cannot be content with its nominal attainment. I must be desirous of pursuing that system which promises to attain, in the end, the permanent enjoyment of its solid and substantial blessings for this country and for Europe. As a sincere lover of peace, I will not sacrifice it by grasping at the shadow when the reality is not substantially within my reach.

Cur igitur pacem nolo? Quia infida est, quia periculosa, quia esse non potest.<sup>16</sup>

When we consider the resources and the spirit of the country, can any man doubt that if adequate security is not now to be obtained by treaty, we have the means of prosecuting the contest without material difficulty or danger, and with a reasonable prospect of completely attaining our object? I will not dwell on the improved state of public credit; on the continually increasing amount, in spite of extraordinary temporary burdens, of our permanent revenue; on the yearly accession of wealth to an extent unprecedented even in the most flourishing times of peace, which we are deriving, in the midst of war, from our extended and flourishing commerce; on the progressive improvement and growth of our manufactures; on the proofs which we see on all sides of the uninterrupted accumulation of productive capital; and on the active exertion of every branch of national industry which can tend to support and augment the population, the riches, and the power of the country.

As little need I recall the attention of the House to the additional means of action which we have derived from the great augmentation

of our disposable military force, the continued triumphs of our powerful and victorious navy, and the events which, in the course of the last two years, have raised the military ardor and military glory of the country to a height unexampled in any period of our history.

In addition to these grounds of reliance on our own strength and exertions, we have seen the consummate skill and valor of the arms of our allies proved by that series of unexampled successes in the course of the last campaign, and we have every reason to expect a co-operation on the continent, even to a greater extent, in the course of the present year. If we compare this view of our own situation with every thing we can observe of the state and condition of our enemy—if we can trace him laboring under equal difficulty in finding men to recruit his army, or money to pay it—if we know that in the course of the last year the most rigorous efforts of military conscription were scarcely sufficient to replace to the French armies, at the end of the campaign, the numbers which they had lost in the course of it—if we have seen that that force, then in possession of advantages which it has since lost, was unable to contend with the efforts of the combined

armies—if we know that, even while supported by the plunder of all the countries which they had overrun, those armies were reduced, by the confession of their commanders, to the extremity of distress, and destitute not only of the principal articles of military supply, but almost of the necessities of life—if we see them now driven back within their own frontiers, and confined within a country whose own resources have long since been proclaimed by their successive governments to be unequal either to paying or maintaining them—if we observe that since the last revolution no one substantial or effectual measure has been adopted to remedy the intolerable disorder of their finances, and to supply the deficiency of their credit and resources—if we see through large and populous districts of France, either open war levied against the present usurpation, or evident marks of disunion and distraction, which the first occasion may call forth into a flame—if, I say, sir, this comparison be just, I feel myself authorized to conclude from it, not that we are entitled to consider ourselves certain of ultimate success, not that we are to suppose ourselves exempted from the unforeseen vicissitudes of war, but that, considering the value of the object for

which we are contending, the means for supporting the contest, and the probable course of human events, we should be inexcusable, if at this moment we were to relinquish the struggle on any grounds short of entire and complete security; that from perseverance in our efforts under such circumstances, we have the fairest reason to expect the full attainment of our object; but that at all events, even if we are disappointed in our more sanguine hopes, we are more likely to gain than to lose by the continuation of the contest; that every month to which it is continued, even if it should not in its effects lead to the final destruction of the Jacobin system, must tend so far to weaken and exhaust it, as to give us at least a greater comparative security in any termination of the war; that, on all these grounds, this is not the moment at which it is consistent with our interest or our duty to listen to any proposals of negotiation with the present ruler of France; but that we are not, therefore, pledged to any *unalterable* determination as to our future conduct; that in this we must be regulated by the course of events; and that it will be the duty of his Majesty's ministers from time to time to adapt their measures to any variation of circumstances, to consider how

far the effects of the military operations of the allies or of the internal disposition of France correspond with our present expectations; and, on a view of the whole, to compare the difficulties or risks which may arise in the prosecution of the contest with the prospect of ultimate success, or of the degree of advantage to be derived from its farther continuance, and to be governed by the result of all these considerations in the opinion and advice which they may offer to their sovereign.

## CHARLES JAMES FOX.

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MR. FOX, one of the most celebrated of English orators, was the second son of the first Lord Holland, and was born in 1749. His father, though a man of dissolute habits, was an influential member of Parliament, indeed for many years was regarded as the most formidable opponent of the elder Pitt in the House of Commons. The elder Fox received, as a mark of royal favor, the most lucrative office in the gift of the Government, that of Paymaster of the Forces; and he administered the duties of this position so much to the satisfaction of the king, that he was soon advanced to the peerage. His great wealth and his marriage with Lady Georgiana Lennox, a very accomplished daughter of the Duke of Richmond, made Holland House what it continued to be for three generations, the favorite resort of what-



ever of culture and fashion allied itself to the cause of its own political party.

It was in the atmosphere of this society that the lot of young Fox was cast. The eldest son was afflicted with a nervous disease which impaired his faculties, and consequently all the hopes of the house were concentrated upon Charles. The father's ambition for his son was twofold: He desired that his boy should become at once a great orator and a leader in the fashionable and dissolute society of the day. In the one interest he furnished him with the most helpful and inspiring instruction; in the other he personally introduced him to the most famous gambling-houses in England and on the continent. The boy profited by this instruction. He made extraordinary progress. His biographer tells us that before he was sixteen he was so thoroughly acquainted with Greek and Latin, that he read them as he read English, and took up Demosthenes and Cicero as he took up Chatham and Burke. The father paid his gambling bills with as much cheerful-



**CHARLES JAMES FOX.**

**From a painting by Karl Anton Hickel, in the National Portrait Gallery.**



ness as he heard him recite an ode of Horace or the funeral oration of Pericles. At the university the young scholar furnished his mind with abundant stores of literature and history, but he paid no attention to those great economic questions which, under the influence of Adam Smith were then beginning to play so large a part in national affairs. Even late in life he confessed that he had never read the "Wealth of Nations."

Leaving Oxford at seventeen, Fox went to the continent, where the prodigal liberality of his father encouraged him in a life of unbounded indulgence. He not only lost enormous sums of ready money, but his father was obliged to pay debts amounting to a hundred thousand pounds. To distract the boy's attention from further excesses, Lord Holland resolved to put him into the House of Commons. The system of pocket boroughs made the opportunity easy; and, as no troublesome questions were asked, the young profligate took his seat in May of 1768, a year and eight months before he arrived at the eligible age.

~~By education and early political alliance Fox~~  
was a Tory, and it is not singular therefore that the Government of Lord North hastened to avail itself of his talents. In 1770 he was made a Junior Lord of the Admiralty, and a little later found a seat on the bench of the Treasury. But his wayward spirit would not brook control. He even went so far as to take the floor in opposition to the Prime-Minister. This violation of party discipline brought its natural result, and in 1774 Fox was contemptuously dismissed.

The blow was deserved, and was even needed for the saving of Fox himself. His excesses in London and on the continent had become so notorious that the public were fast coming to regard him simply as a reckless gambler, whose favor and whose opposition were alike of no importance. ~~It was this contempt on the part of the ministry and the public which stung him into something like reform.~~ Though he did not entirely abandon his old methods, he devoted himself to his work in the House with

extraordinary energy. All his ambition was now directed to becoming a powerful debater. He afterward remarked that he had literally gained his skill "at the expense of the House," for he had sometimes tasked himself to speak on every question that came up, whether he was interested in it or not, and even whether he knew any thing about it or not. The result was that in certain important qualities of a public speaker, he excelled all other men of his time. Burke even said of him, that "by slow degrees he rose to be the most brilliant and accomplished debater the world ever saw."

While this process of rising "by slow degrees" was going on, Fox was also acquiring fixed ideas in regard to governmental affairs. The contemptuous dismissal of Lord North probably stimulated his natural inclinations to go into the opposition. As the American question was gradually developed, Fox found himself in warm sympathy with the colonial cause. He denied the right of the mother country to inflict taxation, and was the first to denounce

the policy of the Government in the House of Commons. He enjoyed the friendship of the ablest men among the Whigs, and he resorted to them, especially to Burke, for every kind of political knowledge. Indeed, his obligations to that great political philosopher were such, that in 1791, at the time of their alienation on the question of England's attitude toward the French Revolution, he declared in the House that "if he were to put all the political information which he had learned from books, all he had gained from science, and all which any knowledge of the world and its affairs had taught him, into one scale, and the improvement which he had derived from his right honorable friend's instruction and conversation in the other, he should be at a loss to decide to which to give the preference." Under this influence all his aspirations came to be devoted, as he once said "to widen the basis of freedom, —to infuse and circulate the spirit of liberty." This subject it was that in one form or another drew forth the most inspiring strains of his eloquence.

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Fox's political morality is not without one very dark stain. For some years he had been the leader of the opposition to Lord North's administration. Under his repeated and powerful blows the great Tory ministry was obliged to give way. Fox had been so conspicuously at the head of the opposition that everybody looked to see him elevated to the position of First Minister. But the king had been scandalized by the irregularities of Fox's life, and probably was quite willing to find an excuse for not calling so able a Whig into power. Lord Shelburne was appointed instead, and Fox refused to take office under him. But that was not all. He not only refused to support Shelburne, but within six months even formed a coalition against him with Lord North. Cooke, in his "History of Party," characterizes his action as "a precedent which strikes at the foundation of political morality, and as a weapon in the hands of those who would destroy all confidence in the honesty of public men." This characterization is not too



severe ; for the ability and the lofty integrity of Lord Shelburne were such as to forbid us to suppose that Fox's action was the result of any other motive than that of personal pique and disappointment. He carried his ardent followers with him ; and so shocked were the thinking men of the time, that there was a general outcry either of regret or of indignation.

Lord Shelburne was of course defeated, and the Coalition ministry, which it was afterward the great work of Pitt to break, came into power. The popular sentiment was shown in the fact that, in the first election that followed, a hundred and sixty of Fox's friends lost their seats in the House, and became, in the language of the day, "Fox's Martyrs."

The views of Fox in regard to the French ~~Revolution were so opposed to those of Burke,~~ that in 1791 their intimacy and even their friendship were broken violently asunder. Of that memorable and painful incident it is not necessary here to speak, other than to say that both of the orators were wrong and both of

them were right. Time has shown that the evils predicted by Burke as the result of the Revolution were scarcely an exaggeration of what actually followed ; but it has also shown that Fox was right in continually maintaining that nations, however wrong may be their principles and methods, should be left to conduct their internal affairs in their own way. It was this position of Fox that led him to oppose the general attitude of England in regard to the course of Napoleon. In the House of Commons he was always listened to with pleasure ; but his habits were such as to prevent his gaining that confidence of the public which otherwise he might easily have enjoyed.

## CHARLES JAMES FOX.

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ON THE REJECTION OF NAPOLEON BONAPARTE'S  
OVERTURES OF PEACE; HOUSE OF COMMONS,  
FEBRUARY 3, 1800.

The following speech was delivered immediately after that of Pitt on the same subject, given above, and in answer to it.

MR. SPEAKER :

At so late an hour of the night, I am sure you will do me the justice to believe that I do not mean to go at length into the discussion of this great question. Exhausted as the attention of the House must be, and unaccustomed as I have been of late to attend in my place, nothing but a deep sense of my duty could have induced me to trouble you at all, and particularly to request your indulgence at such an hour.

Sir, my honorable and learned friend [Mr. Erskine] has truly said, that the present is a new era in the war, and the right honorable gentleman opposite to me [Mr. Pitt] feels the justice of the remark ; for, by travelling back to

the commencement of the war, and referring again to all the topics and arguments which he has so often and so successfully urged upon the House, and by which he has drawn them on to the support of his measures, he is forced to acknowledge that, at the end of a seven years' conflict, we are come but to a new era in the war, at which he thinks it necessary only to press all his former arguments to induce us to persevere. All the topics which have so often misled us—all the reasoning which has so invariably failed—all the lofty predictions which have so constantly been falsified by events—all the hopes which have amused the sanguine, and all the assurances of the distress and weakness of the enemy which have satisfied the unthinking, are again enumerated and advanced as arguments for our continuing the war. What! at the end of seven years of the most burdensome and the most calamitous struggle in which this country ever was engaged, are we again to be amused with notions of finance, and calculations of the exhausted resources of the enemy, as a ground of confidence and of hope? Gracious God! were we not told five years ago that France was not only on the brink and in the jaws of ruin, but that she was actually

sunk into the gulf of bankruptcy? Were we not told, as an unanswerable argument against treating, "that she could not hold out another campaign—that nothing but peace could save her—that she wanted only time to recruit her exhausted finances—that to grant her repose was to grant her the means of again molesting this country, and that we had nothing to do but persevere for a short time, in order to save ourselves forever from the consequences of her ambition and her Jacobinism?" What! after having gone on from year to year upon assurances like these, and after having seen the repeated refutations of every prediction, are we again to be gravely and seriously assured, that we have the same prospect of success on the *same identical grounds?* And, without any other argument or security, are we invited, at this new era of the war, to conduct it upon principles which, if adopted and acted upon, may make it eternal? If the right honorable gentleman shall succeed in prevailing on Parliament and the country to adopt the principles which he has advanced this night, I see no possible termination to the contest. No man can see an end to it; and upon the assurances and predictions which have so uniformly failed, we

are called upon not merely to refuse all negotiations, but to countenance principles and views as distant from wisdom and justice, as they are in their nature wild and impracticable.

I must lament, sir, in common with every genuine friend of peace, the harsh and unconciliating language which ministers have held to the French, and which they have even made use of in their answer to a respectful offer of a negotiation. Such language has ever been considered as extremely unwise, and has ever been reprobated by diplomatic men. I remember with pleasure the terms in which Lord Malmesbury, at Paris, in the year 1796, replied to expressions of this sort, used by M. de la Croix. He justly said, "that offensive and injurious insinuations were only calculated to throw new obstacles in the way of accommodation, and that it was not by revolting reproaches nor by reciprocal invective that a sincere wish to accomplish the great work of pacification could be evinced." Nothing could be more proper nor more wise than this language; and such ought ever to be the tone and conduct of men intrusted with the very important task of treating with a hostile nation. Being a sincere friend to peace, I must say with Lord Malmesbury,

that it is not by reproaches and by invective that we can hope for a reconciliation ; and I am convinced, in my own mind, that I speak the sense of this House, and, if not of this House, certainly of a majority of the people of this country, when I lament that any unprovoked and unnecessary recriminations should be flung out, by which obstacles are put in the way of pacification. I believe it is the prevailing sentiment of the people, that we ought to abstain from harsh and insulting language ; and in common with them, I must lament that both in the papers of Lord Grenville, and this night, such license has been given to invective and reproach.

For the same reason, I must lament that the right honorable gentleman [Mr. Pitt] has thought proper to go at such length, and with such severity of minute investigation, into all the early circumstances of the war, which (whatever they were) are nothing to the present purpose, and ought not to influence the present feelings of the House. I certainly shall not follow him through the whole of this tedious detail, though I do not agree with him in many of his assertions. I do not know what impression his narrative may make on other gentle-

men; but I will tell him fairly and candidly, he has not convinced me. I continue to think, and until I see better grounds for changing my opinion than any that the right honorable gentleman has this night produced, I shall continue to think, and to say, plainly and explicitly, "that this country was the aggressor in the war." But with regard to Austria and Prussia—is there a man who, for one moment, can dispute that they were the aggressors? It will be vain for the right honorable gentleman to enter into long and plausible reasoning against the evidence of documents so clear, so decisive—so frequently, so thoroughly investigated. The unfortunate monarch, Louis XVI., himself, as well as those who were in his confidence, has borne decisive testimony to the fact, that between him and the Emperor [Leopold of Austria] there was an intimate correspondence and a perfect understanding. Do I mean by this that a positive treaty was entered into for the dismemberment of France? Certainly not. But no man can read the declarations which were made at Mantua<sup>16</sup> as well as at Pilnitz, as they are given by M. Bertrand de Molville, without acknowledging that this was not merely an intention, but a



*declaration* of an intention, on the part of the great powers of Germany, to interfere in the internal affairs of France, for the purpose of regulating the government against the opinion of the people. This, though not a plan for the partition of France, was, in the eye of reason and common-sense, an aggression against France. The right honorable gentleman denies that there was such a thing as a treaty of Pilnitz. Granted. But was there not a declaration which amounted to an act of hostile aggression? The two powers, the Emperor of Germany and the King of Prussia, made a public declaration that they were determined to employ their forces, in conjunction with those of the other sovereigns of Europe, "to put the King of France in a situation to establish, in perfect liberty, the foundations of a monarchical government equally agreeable to the rights of sovereigns and the welfare of the French." Whenever the other princes should agree to co-operate with them, "*then, and in that case*, their majesties were determined to act promptly and by mutual consent, with the forces necessary to obtain the end proposed by all of them. In the meantime, they declared, that they would give orders for their troops to be ready for actual

service." Now, I would ask gentlemen to lay their hands upon their hearts, and say with candor what the true and fair construction of this declaration was—whether it was not a menace and an insult to France, since, in direct terms, it declared, that whenever the other powers should concur, they would attack France, then at peace with them, and then employed only in domestic and in internal regulations? Let us suppose the case to be that of Great Britain. Will any gentleman say that if two of the great powers should make a public declaration that they were determined to make an attack on this kingdom as soon as circumstances should favor their intention; that they only waited for this occasion, and that in the meantime they would keep their forces ready for the purpose, it would not be considered by the Parliament and people of this country as a hostile aggression? And is there any Englishman in existence who is such a friend to peace as to say that the nation could retain its honor and dignity if it should sit down under such a menace? I know too well what is due to the national character of England to believe that there would be two opinions on the case, if thus put home to our own feelings and understandings.

We must, then, respect in others the indignation which such an act would excite in ourselves ; and when we see it established on the most indisputable testimony, that both at Pilnitz and at Mantua declarations were made to this effect, it is idle to say that, as far as the Emperor and the King of Prussia were concerned, they were not the aggressors in the war.

“Oh ! but the decree of the 19th of November, 1792.” <sup>11</sup> That, at least, the right honorable gentleman says, you must allow to be an act of aggression, not only against England, but against all the sovereigns of Europe. I am not one of those, sir, who attach much interest to the general and indiscriminate provocations thrown out at random, like this resolution of the 19th of November, 1792. I do not think it necessary to the dignity of any people to notice and to apply to themselves menaces without particular allusion, which are always unwise in the power which uses them, and which it is still more unwise to treat with seriousness. But if any such idle and general provocation to nations is given, either in insolence or in folly, by any government, it is a clear first principle that an *explanation* is the thing which a magnani-

mous nation, feeling itself aggrieved, ought to demand ; and if an explanation be given which is not satisfactory, it ought clearly and distinctly to say so. There should be no ambiguity, no reserve, on the occasion. Now, we all know, from documents on our table, that M. Chauvelin [the French minister] did give an explanation of this silly decree. He declared, "in the name of his government, that it was never meant that the French Government should favor insurrections ; that the decree was applicable only to those people who, after having acquired their liberty by conquest, should demand the assistance of the Republic ; but that France would respect not only the independence of England, but also that of her allies with whom she was not at war." This was the explanation of the offensive decree. "But this explanation was not satisfactory." Did you *say so* to M. Chauvelin ? Did you tell him that you were not content with this explanation ? and when you dismissed him afterward, on the death of the King [of France], did you say that this explanation was unsatisfactory ? No. You did no such thing ; and I contend that unless you demanded *further* explanations, and they were refused, you have no right to urge the decree of the 19th of Novem-

ber as an act of aggression. In all your conferences and correspondence with M. Chauvelin did you hold out to him *what terms would satisfy you?* Did you give the French the power or the means of settling the misunderstanding which that decree, or any other of the points at issue, had created? I maintain that when a nation refuses to state to another the thing which would satisfy her, she shows that she is not actuated by a desire to preserve peace between them; and I aver that this was the case here. The Scheldt, for instance. You now say that the navigation of the Scheldt was one of your causes of complaint. Did you explain yourself on that subject? Did you make it one of the grounds for the dismissal of M. Chauvelin? Sir, I repeat it, that *a nation, to justify itself in appealing to the last solemn resort, ought to prove that it has taken every possible means, consistent with dignity, to demand the reparation and redress which would be satisfactory; and if she refuses to explain what would be satisfactory, she does not do her duty, nor exonerate herself from the charge of being the aggressor.*

But "France," it seems, "then declared war against us; and she was the aggressor, because

the declaration came from her." Let us look at the circumstances of this transaction on both sides. Undoubtedly the declaration was made by them; but is a declaration the only thing which constitutes the commencement of a war? Do gentlemen recollect that, in consequence of a dispute about the commencement of war, respecting the capture of a number of ships, an article was inserted in our treaty with France, by which it was positively stipulated that in future, to prevent all disputes, the act of the *dismissal* of a minister from either of the two courts should be held and considered as tantamount to a declaration of war?<sup>18</sup> I mention this, sir, because when we are idly employed in this retrospect of the origin of a war which has lasted so many years, instead of turning our eyes only to the contemplation of the means of putting an end to it, we seem disposed to overlook every thing on our own parts, and to search only for grounds of imputation on the enemy. I almost think it an insult on the House to detain them with this sort of examination. Why, sir, if France was the aggressor, as the right honorable gentleman says she was *throughout*, did not Prussia call upon us for the stipulated number of troops, according to the article

of the definitive treaty of alliance subsisting between us, by which, in case that either of the contracting parties was attacked, they had a right to demand the stipulated aid? and the same thing again may be asked when we were attacked. The right honorable gentleman might here accuse himself, indeed, of reserve; but it unfortunately happened, that *at the time* the point was too clear on which side the aggression lay. Prussia was too sensible that the war could not entitle her to make the demand, and that it was not a case within the scope of the defensive treaty. This is evidence worth a volume of subsequent reasoning; for if, at the time when all the facts were present to their minds, they could not take advantage of existing treaties, and that too when the courts were on the most friendly terms with one another, it will be manifest to every thinking man that *they were sensible they were not authorised to make the demand.*

I really, sir, cannot think it necessary to follow the right honorable gentleman into all the minute details which he has thought proper to give us respecting the first aggression; but that Austria and Prussia were the aggressors, not a man in any country, who has ever given

himself the trouble to think at all on the subject, can doubt. Nothing could be more hostile than their whole proceedings. Did they not declare to France, that it was her internal concerns, not her external proceedings, which provoked them to confederate against her? Look back to the proclamations with which they set out.<sup>19</sup> Read the declarations which they made themselves to justify their appeal to arms. They did not pretend to fear her ambition—her conquests—her troubling her neighbors; but they accused her of new-modelling her own government. They said nothing of her aggressions abroad. They spoke only of her clubs and societies at Paris.

Sir, in all this, I am not justifying the French; I am not trying to absolve them from blame, either in their internal or external policy. I think, on the contrary, that their successive rulers have been as bad and as execrable, in various instances, as any of the most despotic and unprincipled governments that the world ever saw. I think it impossible, sir, that it should have been otherwise. It was not to be expected that the French, when once engaged in foreign wars, should not endeavor to spread destruction around them, and to form plans of



aggrandizement and plunder on every side. Men bred in the school of the house of Bourbon could not be expected to act otherwise. They could not have lived so long under their ancient masters without imbibing the restless ambition, the perfidy, and the insatiable spirit of the race. They have imitated the practice of their great prototype, and, through their whole career of mischiefs and of crimes, have done no more than servilely trace the steps of their own Louis XIV. If they have overrun countries and ravaged them, they have done it upon Bourbon principles; if they have ruined and dethroned sovereigns, it is entirely after the Bourbon manner; if they have even fraternized with the people of foreign countries, and pretended to make their cause their own, they have only faithfully followed the Bourbon example. They have constantly had Louis, the Grand Monarque, in their eye. But it may be said, that this example was long ago, and that we ought not to refer to a period so distant. True, it is a remote period applied to the man, but not so of the principle. The principle was never extinct; nor has its operation been suspended in France, except, perhaps, for a short interval, during the administration of Cardinal

Fleury ; and my complaint against the Republic of France is, not that she has generated new crimes—not that she has promulgated new mischief—but that she has adopted and acted upon the principles which have been so fatal to Europe under the practice of the House of Bourbon. It is said, that wherever the French have gone they have introduced revolution—they have sought for the means of disturbing neighboring states, and have not been content with mere conquest. What is this but adopting the ingenious scheme of Louis XIV. ? He was not content with merely overrunning a state. Whenever he came into a new territory, he established what he called his chamber of claims, a most convenient device, by which he inquired whether the conquered country or province had any dormant or disputed claims—any cause of complaint—any unsettled demand upon any other state or province—upon which he might wage war upon such state, thereby discover again ground for new devastation, and gratify his ambition by new acquisitions. What have the republicans done more atrocious, more Jacobinical than this ? Louis went to war with Holland. His pretext was, that Holland had not treated him with sufficient *respect*. A very just and proper cause for war indeed !

This, sir, leads me to an example which I think seasonable, and worthy the attention of his Majesty's ministers. When our Charles II., as a short exception to the policy of his reign, made the triple alliance for the protection of Europe, and particularly of Holland, against the ambition of Louis XIV., what was the conduct of that great, virtuous, and most able statesman, M. de Witt, when the confederates came to deliberate upon the terms upon which they should treat with the French monarch? When it was said that he had made unprincipled conquests, and that he ought to be forced to surrender them all, what was the language of that great and wise man? "No," said he; "I think we ought not to look back to the origin of the war so much as the means of putting an end to it. If you had united in time to prevent these conquests, well; but now that he has made them, he stands upon the ground of conquest, and we must agree to treat with him, not with reference to the origin of the conquest, but with regard to his present posture. He has those places, and some of them we must be content to give up as the means of peace; for conquest will always successfully set up its claims to indemnification." Such was the lan-

guage of this minister, who was the ornament of his time ; and such, in my mind, ought to be the language of statesmen, with regard to the French, at this day ; and the same ought to have been said at the formation of the confederacy. It was true that the French had overrun Savoy ; but they had overrun it upon Bourbon principles ; and, having gained this and other conquests before the confederacy was formed, they ought to have treated with her rather for future security than for past correction. States in possession, whether monarchical or republican, will claim indemnity in proportion to their success ; and it will never so much be inquired by what right they gained possession as by what means they can be prevented from enlarging their depredations. Such is the safe practice of the world ; and such ought to have been the conduct of the powers when the reduction of Savoy made them coalesce. The right honorable gentleman may know more of the secret particulars of their overrunning Savoy than I do ; but certainly, as they have come to my knowledge, it was a most Bourbon-like act. A great and justly celebrated historian, I mean Mr. Hume, a writer certainly estimable in many particulars, but who is a



childish lover of princes, talks of Louis XIV. in very magnificent terms. But he says of him, that, though he managed his enterprises with great skill and bravery, he was unfortunate in this, *that he never got a good and fair pretence for war.* This he reckons among his misfortunes. Can we say more of the republican French? In seizing on Savoy I think they made use of the words "*convénances morales et physiques.*" These were her reasons. A most Bourbon-like phrase. And I therefore contend that as we never scrupled to treat with the princes of the House of Bourbon on account of their rapacity, their thirst of conquest, their violation of treaties, their perfidy, and their restless spirit, so, I contend, we ought not to refuse to treat with their republican imitators.

Ministers could not pretend ignorance of the unprincipled manner in which the French had seized on Savoy. The Sardinian minister complained of the aggression, and yet no stir was made about it. The courts of Europe stood by and saw the outrage; and our ministers saw it. The right honorable gentleman will in vain, therefore, exert his power to persuade me of the interest he takes in the preservation of the rights of nations, since, at

the moment when an interference might have been made with effect, no step was taken, no remonstrance made, no mediation negotiated, to stop the career of conquest. All the pretended and hypocritical sensibility "for the rights of nations, and for social order," with which we have since been stunned, can not impose upon those who will take the trouble to look back to the period when this sensibility ought to have roused us into seasonable exertion. At that time, however, the right honorable gentleman makes it his boast that he was prevented, by a sense of neutrality, from taking any measures of precaution on the subject. I do not give the right honorable gentleman much credit for his spirit of neutrality on the occasion. It flowed from the sense of the country at the time, the great majority of which was clearly and decidedly against all interruptions being given to the French in their desire of regulating their own internal government.

But this neutrality, which respected only the internal rights of the French, and from which the people of England would never have departed but for the impolitic and hypocritical cant which was set up to arouse their jealousy and alarm their fears, was very different from

the great principle of political prudence which ought to have actuated the councils of the nation, on seeing the first steps of France toward a career of external conquest. My opinion is, that when the unfortunate King of France offered to us, in the letter delivered by M. Chauvelin and M. Talleyrand, and even entreated us to mediate between him and the allied powers of Austria and Prussia, they [ministers] ought to have accepted of the offer, and exerted their influence to save Europe from the consequence of a system which was then beginning to manifest itself.<sup>30</sup> It was, at least, a question of prudence; and as we had never refused to treat and to mediate with the old princes on account of their ambition or their perfidy, we ought to have been equally ready now, when the same principles were acted upon by other men. I must doubt the sensibility which could be so cold and so indifferent at the proper moment for its activity. I fear that there were at that moment the germs of ambition rising in the mind of the right honorable gentleman, and that he was beginning, like others, to entertain hopes that something might be obtained out of the coming confusion. What but such a sentiment could have prevented him

from overlooking the fair occasion that was offered for preventing the calamities with which Europe was threatened? What but some such interested principle could have made him forego the truly honorable task, by which his administration would have displayed its magnanimity and its power? But for some such feeling, would not this country, both in wisdom and in dignity, have interfered, and, in conjunction with the other powers, have said to France: "You ask for a mediation. We will mediate with candor and sincerity, but we will at the same time declare to you our apprehensions. We do not trust to your assertion of a determination to avoid all foreign conquest, and that you are desirous only of settling your own constitution, because your language is contradicted by experience and the evidence of facts. You are Frenchmen, and you can not so soon have forgotten and thrown off the Bourbon principles in which you were educated. You have already imitated the bad practice of your princes. You have seized on Savoy without a color of right. But here we take our stand. Thus far you have gone, and we can not help it; but you must go no farther. We will tell you distinctly what we shall consider as an



attack on the balance and the security of Europe; and, as the condition of our interference, we will tell you also the securities that we think essential to the general repose." This ought to have been the language of his Majesty's ministers when their mediation was solicited; and something of this kind they evidently thought of when they sent the instructions to Petersburg which they have mentioned this night, but upon which they never acted. Having not done so, I say they have no right to talk now about the violated rights of Europe, about the aggression of the French, and about the origin of the war in which this country was so suddenly afterward plunged. Instead of this, what did they do? They hung back; they avoided explanation; they gave the French no means of satisfying them; and I repeat my proposition—when there is a question of peace and war between two nations, *that government finds itself in the wrong which refuses to state with clearness and precision what she should consider as a satisfaction and a pledge of peace.*

Sir, if I understand the true precepts of the Christian religion, as set forth in the New Testament, I must be permitted to say, that there

is no such thing as a rule or doctrine by which we are directed, or can be justified, in waging a war for religion. The idea is subversive of the very foundations upon which it stands, which are those of peace and good-will among men. Religion never was and never can be a justifiable cause of war; but it has been too often grossly used as the pretext and the apology for the most unprincipled wars.

I have already said, and I repeat it, that the conduct of the French to foreign nations can not be justified. They have given great cause of offence, but certainly not to all countries alike. The right honorable gentlemen opposite to me have made an indiscriminate catalogue of all the countries which the French have offended, and, in their eagerness to throw odium on the nation, have taken no pains to investigate the sources of their several quarrels. I will not detain you, sir, by entering into the long detail which has been given of their aggressions and their violences; but let me mention Sardinia as one instance which has been strongly insisted upon. Did the French attack Sardinia when at peace with them? No such thing. The King of Sardinia had accepted of a subsidy from Great

Britain; and Sardinia was, to all intents and purposes, a belligerent power. Several other instances might be mentioned; but though, perhaps, in the majority of instances, the French may be unjustifiable, is this the moment for us to dwell upon these enormities—to waste our time and inflame our passions by criminating and recriminating upon each other? There is no end to such a war. I have somewhere read, I think in Sir Walter Raleigh's "History of the World," of a most bloody and fatal battle which was fought by two opposite armies, in which almost all the combatants on both sides were killed, "because," says the historian, "though they had offensive weapons on both sides, they had none for defence." So, in this war of words, if we are to use only offensive weapons—if we are to indulge only in invective and abuse, the contest must be eternal.

If this war of reproach and invective is to be countenanced, may not the French with equal reason complain of the outrages and horrors committed by the powers opposed to them? If we must not treat with the French on account of the iniquity of their former transactions, ought we not to be as scrupulous of con-

necting ourselves with other powers equally criminal? Surely, sir, if we must be thus rigid in scrutinizing the conduct of an enemy, we ought to be equally careful in not committing ourselves, our honor, and our safety, with an ally who has manifested the same want of respect for the rights of other nations. Surely, if it is material to know the character of a power with whom you are about only to treat for peace, it is more material to know the character of allies with whom you are about to enter into the closest connection of friendship, and for whose exertions you are about to pay. Now, sir, what was the conduct of your own allies to Poland? Is there a single atrocity of the French, in Italy, in Switzerland, in Egypt, if you please, more unprincipled and inhuman than that of Russia, Austria, and Prussia, in Poland? What has there been in the conduct of the French to foreign powers; what in the violation of solemn treaties; what in the plunder, devastation, and dismemberment of unoffending countries; what in the horrors and murders perpetrated upon the subdued victims of their rage in any district which they have overrun, worse than the conduct of those three great powers in the miserable, devoted, and trampled-on kingdom of Po-

land, and who have been, or are, our allies in this war for religion and social order, and the rights of nations? "Oh! but you regretted the partition of Poland!" Yes, regretted! you regretted the violence, and that is all you did. You united yourselves with the actors; you, in fact, by your acquiescence, confirmed the atrocity. But they are your allies; and though they overran and divided Poland, there was nothing, perhaps, in the manner of doing it which stamped it with peculiar infamy and disgrace. The hero of Poland [Suwarroff], perhaps, was merciful and mild! He was "as much superior to Bonaparte in bravery, and in the discipline which he maintained, as he was superior in virtue and humanity!" \*1 He was animated by the purest principles of Christianity, and was restrained in his career by the benevolent precepts which it inculcates. Was he? Let unfortunate Warsaw, and the miserable inhabitants of the suburb of Praga in particular, tell! What do we understand to have been the conduct of this magnanimous hero, with whom, it seems, Bonaparte is not to be compared? He entered the suburb of Praga, the most populous suburb of Warsaw; and there he let his soldiery loose on the misera-

ble, unarmed, and unresisting people. Men, women, and children, nay, infants at the breast, were doomed to one indiscriminate massacre! Thousands of them were inhumanly, wantonly butchered! And for what? Because they had dared to join in a wish to meliorate their own condition as a people, and to improve their constitution, which had been confessed by their own sovereign to be in want of amendment. And such is the hero upon whom the cause of religion and social order is to repose! And such is the man whom we praise for his discipline and his virtue, and whom we hold out as our boast and our dependence; while the conduct of Bonaparte unfits him to be even treated with as an enemy?

But the behavior of the French toward Switzerland raises all the indignation of the right honorable gentleman, and inflames his eloquence. I admire the indignation which he expresses, and I think he felt it, in speaking of this country, so dear and so congenial to every man who loves the sacred name of liberty. "He who loves Liberty," says the right honorable gentleman, "thought himself at home on the favored and happy mountains of Switzerland, where she seemed to have taken up her abode

under a sort of implied compact, among all other states, that she should not be disturbed in this her chosen asylum." I admire the eloquence of the right honorable gentleman in speaking of this country of liberty and peace, to which every man would desire, once in his life at least, to make a pilgrimage! But who, let me ask him, first proposed to the Swiss people to *depart from the neutrality*, which was their chief protection, and to join the confederacy against the French? I aver that a noble relation of mine [Lord Robert Fitzgerald], then the Minister of England to the Swiss Cantons, was instructed, in direct terms, to propose to the Swiss, by an official note, to break from the safe line they had laid down for themselves, and to tell them, "in such a contest neutrality was criminal." I know that noble Lord too well, though I have not been in habits of intercourse with him of late, from the employments in which he has been engaged, to suspect that he would have presented such a paper without the express instructions of his court, or that he would have gone beyond those instructions.

But was it only to Switzerland that this sort of language was held? What was our language also to Tuscany and Genoa? An honorable

gentleman [Mr. Canning] has denied the authenticity of a pretended letter which has been circulated, and ascribed to Lord Harvey. He says, it is all a fable and a forgery. Be it so ; but is it also a fable that Lord Harvey did speak in terms to the Grand Duke, which he considered as offensive and insulting ? I can not tell, for I was not present ; but was it not, and is it not, believed ? Is it a fable that Lord Harvey went into the closet of the Grand Duke, laid his watch on the table and demanded, in a peremptory manner, that he should, within a certain number of minutes (I think I have heard within a quarter of an hour), determine, aye or no, to dismiss the French Minister, and order him out of his dominions, with the menace, that if he did not, the English fleet should bombard Leghorn ? Will the honorable gentleman deny this also ? I certainly do not know it from my own knowledge ; but I know that persons of the first credit, then at Florence, have stated these facts, and that they have never been contradicted. It is true that, upon the Grand Duke's complaint of this indignity, Lord Harvey was recalled ; but was the *principle* recalled ? was the mission recalled ? Did not ministers persist in the demand which Lord



Harvey had made, perhaps ungraciously? and was not the Grand Duke forced, in consequence, to dismiss the French Minister? and did they not drive him to enter into an unwilling war with the republic? It is true that he afterward made his peace, and that, having done so, he was treated severely and unjustly by the French; but what do I conclude from all this, but that we have no right to be scrupulous, we who have violated the respect due to peaceable powers ourselves, in this war, which, more than any other that ever afflicted human nature, has been distinguished by the greatest number of disgusting and outrageous insults by the great to the smaller powers? And I infer from this, also, that the instances not being confined to the French, but having been perpetrated by every one of the allies, and by England as much as by others, we have no right, either in personal character, or from our own deportment, to refuse to treat with the French on this ground. Need I speak of your conduct to Genoa also? Perhaps the note delivered by Mr. Drake was also a forgery. Perhaps the blockade of the port never took place. It is impossible to deny the facts, which were so glaring at the time. It is a painful thing to me, sir, to be obliged to

go back to these unfortunate periods of the history of this war, and of the conduct of this country; but I am forced to the task by the use which has been made of the atrocities of the French as an argument against negotiation. I think I have said enough to prove, that if the French have been guilty, we have not been innocent. Nothing but determined incredulity can make us deaf and blind to our own acts, when we are so ready to yield an assent to all the reproaches which are thrown out on the enemy, and upon which reproaches we are gravely told to continue the war.

"But the French," it seems, "have behaved ill everywhere. They seized on Venice, which had preserved the most exact neutrality, or rather," as it is hinted, "had manifested symptoms of friendship to them." I agree with the right honorable gentleman, it was an abominable act. I am not the apologist, much less the advocate, of their iniquities; neither will I countenance them in their pretences for the injustice. I do not think that much regard is to be paid to the charges which a triumphant soldiery bring on the conduct of a people whom they have overrun. Pretences for outrage will never be wanting to the strong, when

they wish to trample on the weak ; but when we accuse the French of having seized on Venice, after stipulating for its neutrality, and guaranteeing its independence, we should also remember the excuse that they made for the violence, namely, that their troops had been attacked and murdered. I say I am always incredulous about such excuses ; but I think it fair to hear whatever can be alleged on the other side. We can not take one side of a story only. Candor demands that we should examine the whole before we make up our minds on the guilt. I can not think it quite fair to state the view of the subject of one party as indisputable fact, without even mentioning what the other party has to say for itself. But, sir, is this all ? Though the perfidy of the French to the Venetians be clear and palpable, was it worse in morals, in principle, and in example, than the conduct of Austria ? My honorable friend [Mr. Whitbread] properly asked : " Is not the receiver as bad as the thief ? " If the French seized on the territory of Venice, did not the Austrians agree to receive it ? " But this," it seems, " is not the same thing." It is quite in the nature and within the rule of diplomatic morality, for

Austria to receive the country which was thus seized upon unjustly. "The Emperor took it as a compensation. It was his by barter. He was not answerable for the guilt by which it was obtained." What is this, sir, but the false and abominable reasoning with which we have been so often disgusted on the subject of the slave-trade? Just in the same manner have I heard a notorious wholesale dealer in this inhuman traffic justify his abominable trade. "I am not guilty of the horrible crime of tearing that mother from her infants; that husband from his wife; of depopulating that village; of depriving that family of their sons, the support of their aged parents! No, thank Heaven! I am not guilty of this horror. I only bought them in the fair way of trade. They were brought to the market; they had been guilty of crimes, or they had been made prisoners of war; they were accused of witchcraft, of obi, or of some other sort of sorcery; and they were brought to me for sale. I gave a valuable consideration for them. But God forbid that I should have stained my soul with the guilt of dragging them from their friends and families!" Such has been the precious defence of the slave-trade, and such is the argument set up for

Austria in this instance of Venice. "I did not commit the crime of trampling on the independence of Venice; I did not seize on the city; I gave a *quid pro quo*. It was a matter of barter and indemnity; I gave half a million of human beings to be put under the yoke of France in another district, and I had these people turned over to me in return!" This, sir, is the defence of Austria, and under such detestable sophistry is the infernal traffic in human flesh, whether in white or black, to be continued, and even justified! At no time has that diabolical traffic been carried to a greater length than during the present war, and that by England herself, as well as Austria and Russia.

"But France," it seems, "has roused all the nations of Europe against her"; and the long catalogue has been read to you, to prove that she must have been atrocious to provoke them all. Is it true, sir, that she has roused them all? It does not say much for the address of his Majesty's ministers, if this be the case. What, sir! have all your negotiations, all your declamation, all your money, been squandered in vain? Have you not succeeded in stirring the indignation, and engaging the assistance, of a single power? But you do yourselves in-

justice. Between the crimes of France and your money the rage *has* been excited, and full as much is due to your seductions as to her atrocities. My honorable and learned friend [Mr. Erskine] was correct, therefore, in his argument; for you can not take both sides of the case; you can not accuse France of having provoked all Europe, and at the same time claim the merit of having roused all Europe to join you.

You talk, sir, of your allies. I wish to know who your allies are? Russia is one of them, I suppose. Did France attack Russia? Has the *magnanimous* Paul taken the field for social order and religion, or on account of personal aggression? <sup>28</sup> The Emperor of Russia has declared himself Grand Master of Malta, though his religion is as opposite to that of the Knights as ours is; and he is as much considered a heretic by the Church of Rome as we are. The King of Great Britain might, with as much reason and propriety, declare himself the head of the order of the Chartreuse monks. Not content with taking to himself the commandery of this institution of Malta, Paul has even created a married man a Knight, contrary to all the most sacred rules and regulations of the

order; and yet this ally of ours is fighting for religion! So much for his religion. Let us see his regard to social order! How does he show his abhorrence of the principles of the French, in their violation of the rights of other nations? What has been his conduct to Denmark? He says to her: "You have seditious clubs at Copenhagen; no Danish vessel shall therefore enter the ports of Russia!" He holds a still more despotic language to Hamburg. He threatens to lay an embargo on her trade; and he forces her to surrender up men who are claimed by the French as their citizens, whether truly or not, I do not inquire. He threatens her with his own vengeance if she refuse, and subjects her to that of the French if she comply. And what has been his conduct to Spain? He first sends away the Spanish minister from Petersburgh, and then complains, as a great insult, that his minister was dismissed from Madrid! This is one of our allies; and he has declared that the object for which he has taken up arms is to replace the ancient race of the house of Bourbon on the throne of France, and that he does this for the cause of religion and social order! Such is the respect for religion and social order which he himself displays, and



such are the examples of it with which we coalesce.

No man regrets, sir, more than I do, the enormities that France has committed ; but how do they bear upon the question as it at present stands ? Are we forever to deprive ourselves of the benefits of peace because France has perpetrated acts of injustice ? Sir, we can not acquit ourselves upon such ground. We *have* negotiated. With the knowledge of these acts of injustice and disorder, we have treated with them twice ; yet the right honorable gentleman can not enter into negotiation with them again ; and it is worth while to attend to the reasons that he gives for refusing their offer. The Revolution itself is no more an objection now than it was in the year 1796, when he did negotiate. For the government of France at that time was surely as unstable as it is at present. \* \* \*

But you say you have not refused to treat. You have stated a case in which you will be ready immediately to enter into a negotiation, viz., the restoration of the House of Bourbon. But you deny that this is a *sine qua non* ; and in your nonsensical language, which I do not understand, you talk of "limited possibilities,"



which may induce you to treat without the restoration of the House of Bourbon. But do you state what they are? Now, sir, I say, that if you put one case upon which you declare that you are willing to treat immediately, and say that there are other possible cases which may induce you to treat hereafter, without mentioning what these possible cases are, you do state a *sine qua non* of immediate treaty. Suppose I have an estate to sell, and I say my demand is £1,000 for it. For that sum I will sell the estate immediately. To be sure, there may be other terms upon which I may be willing to part with it; but I mention nothing of them. The £1,000 is the only condition that I state at the time. Will any gentleman assert that I do not make the £1,000 the *sine qua non* of the immediate sale? Thus you say the restoration of the Bourbons is not the only possible ground; but you give no other. This is your project. Do you demand a counter project? Do you follow your own rule? Do you not do the thing of which you complained in the enemy? You seemed to be afraid of receiving another proposition; and, by confining yourselves to this one point, you make it in fact, though not in terms, your *sine qua non*.

But the right honorable gentleman, in his speech, does what the official note avoids. He finds there the convenient words, "experience and the evidence of facts." Upon these he goes into detail; and in order to convince the House that new evidence is required, he reverts to all the earliest acts and crimes of the Revolution; to all the atrocities of all the governments that have passed away; and he contends that he must have experience that these foul crimes are repented of, and that a purer and a better system is adopted in France, by which he may be sure that they will be capable of maintaining the relations of peace and amity. Sir, these are not conciliatory words; nor is this a practicable ground to gain experience. Does he think it possible that evidence of a peaceable demeanor can be obtained in war? What does he mean to say to the French consul? "Until you shall, in *war*, behave yourself in a *peaceable* manner, I will not treat with you!" Is there not in this something extremely ridiculous? In duels, indeed, we have often heard of such language. Two gentlemen go out and fight, when, having discharged their pistols at one another, it is not unusual for one of them to say to the other: "Now I am satisfied. I

see that you are a man of honor, and we are friends again." There is something, by-the-by, ridiculous, even here. But between nations it is more than ridiculous. It is criminal. It is a ground which no principle can justify, and which is as impracticable as it is impious. That two nations should be set on to *beat* one another into friendship, is too abominable even for the fiction of romance; but for a statesman seriously and gravely to lay it down as a system upon which he means to act, is monstrous. What can we say of such a test as he means to put the French Government to, but that it is hopeless? It is in the nature of war to inflame animosity; to exasperate, not to soothe; to widen, not to approximate. So long as this is to be acted upon, I say it is in vain to hope that we can have the evidence which we require.

The right honorable gentleman, however, thinks otherwise; and he points out four distinct possible cases, besides the re-establishment of the Bourbon family, in which he would agree to treat with the French.

(1) "If Bonaparte shall conduct himself so as to convince him that he has abandoned the principles which were objectionable in his pred-

ecessors, and that he will be actuated by a more moderate system." I ask you, sir, if this is likely to be ascertained in war? It is the nature of war not to allay, but to inflame the passions; and it is not by the invective and abuse which have been thrown upon him and his government, nor by the continued irritations which war is sure to give, that the virtues of moderation and forbearance are to be nourished.

(2) "If, contrary to the expectations of ministers, the people of France shall show a disposition to acquiesce in the government of Bonaparte." Does the right honorable gentleman mean to say, that because it is a usurpation on the part of the present chief, that therefore the people are not likely to acquiesce in it? I have not time, sir, to discuss the question of this usurpation, or whether it is likely to be permanent; but I certainly have not so good an opinion of the French, nor of any people, as to believe that it will be short-lived, *merely* because it was a usurpation, and because it is a system of military despotism. Cromwell was a usurper; and in many points there may be found a resemblance between him and the present Chief Consul of France. There is no doubt but that,

on several occasions of his life, Cromwell's sincerity may be questioned, particularly in his self-denying ordinance, in his affected piety, and other things; but would it not have been insanity in France and Spain to refuse to treat with him because he was a usurper or wanted candor? No, sir, these are not the maxims by which governments are actuated. They do not inquire so much into the means by which power may have been acquired, as into the fact of where the power resides. The people did acquiesce in the government of Cromwell. But it may be said that the splendor of his talents, the vigor of his administration, the high tone with which he spoke to foreign nations, the success of his arms, and the character which he gave to the English name, induced the nation to acquiesce in his usurpation; and that we must not try Bonaparte by his example. Will it be said that Bonaparte is not a man of great abilities? Will it be said that he has not, by his victories, thrown a splendor over even the violence of the Revolution, and that he does not conciliate the French people by the high and lofty tone in which he speaks to foreign nations? Are not the French, then, as likely as the English in the case of Cromwell, to ac-

quiesce in his government? If they should do so, the right honorable gentleman may find that this possible predicament may fail him. He may find that though one power may make war, it requires two to make peace. He may find that Bonaparte was as insincere as himself in the proposition which he made; and in his turn he may come forward and say: "I have no occasion now for concealment. It is true that, in the beginning of the year 1800, I offered to treat, not because I wished for peace, but because the people of France wished for it; and besides, my old resources being exhausted, and there being no means of carrying on the war without 'a new and solid system of finance,' I pretended to treat, because I wished to procure the unanimous assent of the French people to this 'new and solid system of finance.' Did you think I was in earnest? You were deceived. I now throw off the mask. I have gained my point, and I reject your offers with scorn." <sup>24</sup> Is it not a very possible case that he may use this language? Is it not within the right honorable gentleman's *knowledge of human nature*? <sup>25</sup> But even if this should not be the case, will not the very test which you require, the acquiescence of the people of France in his

government, give him an advantage-ground in the negotiation which he does not now possess. Is it quite sure, that when he finds himself safe in his seat, he will treat on the same terms as at present, and that you will get a better peace some time hence than you might reasonably hope to obtain at this moment? Will he not have one interest less to do it? and do you not overlook a favorable occasion for a chance which is exceedingly doubtful? These are the considerations which I would urge to his Majesty's ministers against the dangerous experiment of waiting for the acquiescence of the people of France.

(3) "If the allies of this country shall be less successful than they have every reason to expect they will be in stirring up the people of France against Bonaparte, and in the further prosecution of the war." And,

(4) "If the pressure of the war should be heavier upon us than it would be convenient for us to continue to bear." These are the other two possible emergencies in which the right honorable gentleman would treat even with Bonaparte. Sir, I have often blamed the right honorable gentleman for being disingenuous and insincere. On the present occasion I

certainly can not charge him with any such thing. He has made to-night a most honest confession. He is open and candid. He tells Bonaparte fairly what he has to expect. "I mean," says he "to do every thing in my power to raise up the people of France against you ; I have engaged a number of allies, and our combined efforts shall be used to excite insurrection and civil war in France. I will strive to murder you, or to get you sent away. If I succeed, well ; but if I fail, then I will treat with you. My resources being exhausted ; even my 'solid system of finance' having failed to supply me with the means of keeping together my allies, and of feeding the discontents I have excited in France, then you may expect to see me renounce my high tone, my attachment to the House of Bourbon, my abhorrence of your crimes, my alarm at your principles ; for then I shall be ready to own that, on the balance and comparison of circumstances, there will be less danger in concluding a peace than in the continuance of war !" Is this political language for one state to hold to another ? And what sort of peace does the right honorable gentleman expect to receive in that case ? Does he think that Bonaparte would grant to baffled in-



solence, to humiliated pride, to disappointment, and to imbecility the same terms which he would be ready to give now? The right honorable gentleman can not have forgotten what he said on another occasion :

“ Potuit quæ plurima virtus  
Esse, fuit. Toto certatum est corpore regni.”\*\*

He would then have to repeat his words, but with a different application. He would have to say: “All our efforts are vain. We have exhausted our strength. Our designs are impracticable, and we must sue to you for peace.”

Sir, what is the question to-night? We are called upon to support ministers in refusing a frank, candid, and respectful offer of negotiation, and to countenance them in continuing the war. Now I would put the question in another way. Suppose that ministers had been inclined to adopt the line of conduct which they pursued in 1796 and 1797, and that to-night, instead of a question on a war address, it had been an address to his Majesty to thank him for accepting the overture, and for opening a negotiation to treat for peace, I ask the gentlemen opposite—I appeal to the whole five hundred and fifty-eight representatives of the

people—to lay their hands upon their hearts and to say whether they would not have cordially voted for such an address. Would they, or would they not? Yes, sir, if the address had breathed a spirit of peace, your benches would have resounded with rejoicings, and with praises of a measure that was likely to bring back the blessings of tranquillity. On the present occasion, then, I ask for the vote of no gentlemen but of those who, in the secret confession of their conscience, admit, at this instant, while they hear me, that they would have cheerfully and heartily voted with the minister for an address directly the reverse of the one proposed. If every such gentleman were to vote with me, I should be this night in the greatest majority that ever I had the honor to vote with in this House. I do not know that the right honorable gentleman would find, even on the benches around him, a single individual who would not vote with me. I am sure he would not find many. I do not know that in this House I could single out the individual who would think himself bound by consistency to vote against the right honorable gentleman on an address for negotiation. There may be some, but they are very few. I do know, indeed, one most

honorable man in another place, whose purity and integrity I respect, though I lament the opinion he has formed on this subject, who would think himself bound, from the uniform consistency of his life, to vote against an address for negotiation. Earl Fitzwilliam would, I verily believe, do so. He would feel himself bound, from the previous votes he has given, to declare his objection to all treaty. But I own I do not know more in either House of Parliament. There may be others, but I do not know them. What, then, is the House of Commons come to, when, notwithstanding their support given to the right honorable gentleman in 1796 and 1797 on his entering into negotiation; notwithstanding their inward conviction that they would vote with him this moment for the same measure; who, after supporting the minister in his negotiation for a solid system of finance, can now bring themselves to countenance his abandonment of the ground he took, and to support him in refusing all negotiation! What will be said of gentlemen who shall vote in this way, and yet feel, in their consciences, that they would have, with infinitely more readiness, voted the other?

Sir, we have heard to-night a great many

most acrimonious invectives against Bonaparte, against all the course of his conduct, and against the unprincipled manner in which he seized upon the reins of government. I will not make his defence. I think all this sort of invective, which is used only to inflame the passions of this House and of the country, exceedingly ill-timed, and very impolitic. But I say I will not make his defence. I am not sufficiently in possession of materials upon which to form an opinion on the character and conduct of this extraordinary man. On his arrival in France, he found the government in a very unsettled state, and the whole affairs of the Republic deranged, crippled, and involved. He thought it necessary to reform the government ; and he did reform it, just in the way in which a military man may be expected to carry on a reform. He seized on the whole authority for himself. It will not be expected from me that I should either approve or apologize for such an act. I am certainly not for reforming governments by such expedients ; but how this House can be so violently indignant at the idea of military despotism, is, I own, a little singular, when I see the composure with which they can observe it nearer home ; nay, when I see

them regard it as a frame of government most peculiarly suited to the exercise of free opinion, on a subject the most important of any that can engage the attention of a people. Was it not the system which was so *happily* and so *advantageously* established of late, all over Ireland, and which even now the government may, at its pleasure, proclaim over the whole of that kingdom? Are not the persons and property of the people left, in many districts, at this moment, to the entire will of military commanders? and is not this held out as peculiarly proper and advantageous, at a time when the people of Ireland are freely, and with unbiassed judgments, to discuss the most interesting question of a legislative union? Notwithstanding the existence of martial law, so far do we think Ireland from being enslaved, that we presume it precisely the period and the circumstances under which she may best declare her free opinion? Now, really, sir, I can not think that gentlemen who talk in this way about Ireland, can, with a good grace, rail at military despotism in France.

But, it seems, "Bonaparte has broken his oaths. He has violated his oath of fidelity to the constitution of the third year." Sir, I am

not one of those who hold that any such oaths ought ever to be exacted. They are seldom or ever of any effect; and I am not for sporting with a thing so sacred as an oath. I think it would be good to lay aside all such oaths. Who ever heard that, in revolutions, the oath of fidelity to the former government was ever regarded, or even that, when violated, it was imputed to the persons as a crime? In times of revolution, men who take up arms are called rebels. If they fail, they are adjudged to be traitors; but who before ever heard of their being perjured? On the restoration of King Charles II., those who had taken up arms for the Commonwealth were stigmatized as rebels and traitors, but not as men forsworn. Was the Earl of Devonshire charged with being perjured, on account of the allegiance he had sworn to the House of Stuart, and the part he took in those struggles which preceded and brought about the Revolution? The violation of oaths of allegiance was never imputed to the people of England, and will never be imputed to any people. But who brings up the question of oaths? He who strives to make twenty-four millions of persons violate the oaths they have taken to their present consti-

tution, and who desires to re-establish the House of Bourbon by such violation of their vows. I put it so, sir, because, if the question of oaths be of the least consequence, it is equal on both sides! He who desires the whole people of France to perjure themselves, and who hopes for success in his project only upon their doing so, surely can not make it a charge against Bonaparte that he has done the same!

“Ah! but Bonaparte has declared it as his opinion, that the two governments of Great Britain and of France can not exist together. After the treaty of Campo Formio, he sent two confidential persons, Berthier and Monge, to the Directory, to say so in his name.” Well, and what is there in this absurd and puerile assertion, if it were ever made? Has not the right honorable gentleman, in this House, said the same thing? In this at least they resemble one another! They have both made use of this assertion; and I believe that these two illustrious persons are the only two on earth who think it! But let us turn the tables. We ought to put ourselves at times in the place of the enemy, if we are desirous of really examining with candor and fairness the dispute between us. How may they not interpret the speeches

of ministers and their friends, in both Houses of the British Parliament? If we are to be told of the idle speech of Berthier and Monge, may they not also bring up speeches, in which it has not been merely hinted, but broadly asserted, that "the two constitutions of England and France could not exist together?" May not these offences and charges be reciprocated without end? Are we ever to go on in this miserable squabble about words? Are we still, as we happen to be successful on the one side or the other, to bring up these impotent accusations, insults, and provocations against each other; and only when we are beaten and unfortunate, to think of treating? Oh! pity the condition of man, gracious God, and save us from such a system of malevolence, in which all our old and venerated prejudices are to be done away, and by which we are to be taught to consider war as the natural state of man, and peace but as a dangerous and difficult extremity!

Sir, this temper must be corrected. It is a diabolical spirit, and would lead to an interminable war. Our history is full of instances that, where we have overlooked a proffered occasion to treat, we have uniformly suffered by



delay. At what time did we ever profit by obstinately persevering in war? We accepted at Ryswick the terms we refused five years before, and the same peace which was concluded at Utrecht might have been obtained at Gertruydenberg; and as to security from the future machinations or ambition of the French, I ask you what security you ever had or could have? Did the different treaties made with Louis XIV. serve to tie up his hands, to restrain his ambition, or to stifle his restless spirit? At what time, in old or in recent periods, could you safely repose on the honor, forbearance, and moderation of the French Government? Was there *ever* an idea of refusing to treat, because the peace might be afterward insecure? The peace of 1763 was not accompanied with securities; and it was no sooner made than the French court began, as usual, its intrigues. And what security did the right honorable gentleman exact at the peace of 1783, in which he was engaged? Were we rendered secure by that peace? The right honorable gentleman knows well that, soon after that peace, the French formed a plan; in conjunction with the Dutch, of attacking our India possessions, of raising up the native powers against us, and of

driving us out of India ; as they were more recently desirous of doing, only with this difference, that the cabinet of France formerly entered into this project in a moment of profound peace, and when they conceived us to be lulled into a perfect security. After making the peace of 1783, the right honorable gentleman and his friends went out, and I, among others, came into office. Suppose, sir, that we had taken up the jealousy upon which the right honorable gentleman now acts, and had refused to ratify the peace which he had made. Suppose that we had said—No ! France is acting a perfidious part ; we see no security for England in this treaty ; they want only a respite in order to attack us again in an important part of our dominions, and we ought not to confirm the treaty. I ask you would the right honorable gentleman have supported us in this refusal ? I say, that upon his present reasoning he ought. But I put it fairly to him, would he have supported us in refusing to ratify the treaty upon such a pretence ? He certainly ought not, and I am sure he would not ; but the course of reasoning which he now assumes would have justified his taking such a ground. On the contrary, I am persuaded that he would have

said: "This security is a refinement upon jealousy. You have security, the only security that you can ever expect to get. It is the present interest of France to make peace. She will keep it, if it be her interest. She will break it, if it be her interest. Such is the state of nations; and you have nothing but your own vigilance for your security."

"It is not the interest of Bonaparte," it seems, "sincerely to enter into a negotiation, or, if he should even make peace, sincerely to keep it." But how are we to decide upon his sincerity? By refusing to treat with him? Surely, if we mean to discover his sincerity, we ought to hear the propositions which he desires to make. "But peace would be unfriendly to his system of military despotism." Sir, I hear a great deal about the short-lived nature of military despotism. I wish the history of the world would bear gentlemen out in this description of it. Was not the government erected by Augustus Cæsar a military despotism? and yet it endured for six or seven hundred years. Military despotism, unfortunately, is too likely in its nature to be permanent, and it is not true that it depends on the life of the first usurper. Though half of the Roman

emperors were murdered, yet the military despotism went on ; and so it would be, I fear, in France. If Bonaparte should disappear from the scene, to make room, perhaps, for Berthier, or any other general, what difference would that make in the quality of French despotism, or in our relation to the country ? We may as safely treat with a Bonaparte, or with any of his successors, be they whom they may, as we could with a Louis XVI., a Louis XVII., or a Louis XVIII. There is no difference but in the name. Where the power essentially resides, thither we ought to go for peace.

But, sir, if we are to reason on the fact, I should think that it is the interest of Bonaparte to make peace. A lover of military glory, as that general must necessarily be, may he not think that his measure of glory is full ; that it may be tarnished by a reverse of fortune, and can hardly be increased by any new laurels ? He must feel that, in the situation to which he is now raised, he can no longer depend on his own fortune, his own genius, and his own talents, for a continuance of his success. He must be under the necessity of employing other generals, whose misconduct or incapacity might endanger his power, or whose triumphs

even might affect the interest which he holds in the opinion of the French. Peace, then, would secure to him what he has achieved, and fix the inconstancy of fortune. But this will not be his only motive. He must see that France also requires a respite—a breathing interval, to recruit her wasted strength. To procure her this respite, would be, perhaps, the attainment of more solid glory, as well as the means of acquiring more solid power, than any thing which he can hope to gain from arms, and from the proudest triumphs. May he not, then, be zealous to secure this fame, the only species of fame, perhaps, that is worth acquiring? Nay, granting that his soul may still burn with the thirst of military exploits, is it not likely that he is disposed to yield to the feelings of the French people, and to consolidate his power by consulting their interests? I have a right to argue in this way when suppositions of his insincerity are reasoned upon on the other side. Sir, these aspersions are, in truth, always idle, and even mischievous. I have been too long accustomed to hear imputations and calumnies thrown out upon great and honorable characters, to be much influenced by them. My honorable and learned friend [Mr. Erskine] has paid

this night a most just, deserved, and eloquent tribute of applause to the memory of that great and unparalleled character, who is so recently lost to the world.<sup>27</sup> I must, like him, beg leave to dwell a moment on the venerable GEORGE WASHINGTON, though I know that it is impossible for me to bestow any thing like adequate praise on a character which gave us, more than any other human being, the example of a perfect man ; yet, good, great, and unexampled as General Washington was, I can remember the time when he was not better spoken of in this House than Bonaparte is at present. The right honorable gentleman who opened this debate [Mr. Dundas] may remember in what terms of disdain, or virulence, even of contempt, General Washington was spoken of by gentlemen on that side of the House. Does he not recollect with what marks of indignation any member was stigmatized as an enemy to his country who mentioned with common respect the name of General Washington? If a negotiation had then been proposed to be opened with that great man, what would have been said? Would you treat with a rebel, a traitor ! What an example would you not give by such an act ! I do not know

whether the right honorable gentleman may not yet possess some of his old prejudices on the subject. I hope not : I hope by this time we are all convinced that a republican government, like that of America, may exist without danger or injury to social order, or to established monarchies. They have happily shown that they can maintain the relations of peace and amity with other states. They have shown, too, that they are alive to the feelings of honor; but they do not lose sight of plain good sense and discretion. They have not refused to negotiate with the French, and they have accordingly the hopes of a speedy termination of every difference. We cry up their conduct, but we do not imitate it. At the beginning of the struggle, we were told that the French were setting up a set of wild and impracticable theories, and that we ought not to be misled by them; that they were phantoms with which we could not grapple. Now we are told that we must not treat, because, out of the lottery, Bonaparte has drawn such a prize as military despotism. Is military despotism a theory? One would think that that is one of the practical things which ministers might understand, and to which *they* would have no particular ob-

jection. But what is our present conduct founded on but a theory, and that a most wild and ridiculous theory? For what are we fighting? Not for a principle; not for security; not for conquest; but merely for an experiment and a speculation, to discover whether a gentleman at Paris may not turn out a better man than we now take him to be. \* \* \*

Sir, I wish the atrocities, of which we hear so much, and which I abhor as much as any man, were, indeed, unexampled. I fear that they do not belong exclusively to the French. When the right honorable gentleman speaks of the extraordinary successes of the last campaign, he does not mention the horrors by which some of these successes were accompanied. Naples, for instance, has been, among others, what is called *delivered*; and yet, if I am rightly informed, it has been stained and polluted by murders so ferocious, and by cruelties of every kind so abhorrent, that the heart shudders at the recital. It has been said, not only that the miserable victims of the rage and brutality of the fanatics were savagely murdered, but that, in many instances, their flesh was eaten and devoured by the cannibals, who are the advocates and the instruments of social order! Nay, England is not



totally exempt from reproach, if the rumors which are circulated be true. I will mention a fact, to give ministers the opportunity, if it be false, to wipe away the stain that it must otherwise affix on the British name. It is said, that a party of the republican inhabitants of Naples took shelter in the fortress of the Castel de Uovo. They were besieged by a detachment from the royal army, to whom they refused to surrender ; but demanded that a British officer should be brought forward, and to him they capitulated. They made terms with him under the sanction of the British name. It was agreed that their persons and property should be safe, and that they should be conveyed to Toulon. They were accordingly put on board a vessel ; but, before they sailed, their property was confiscated, numbers of them taken out, thrown into dungeons, and some of them, I understand, notwithstanding the British guaranty, actually executed ! <sup>28</sup>

Where, then, sir, is this war, which on every side is pregnant with such horrors, to be carried? Where is it to stop? Not till we establish the House of Bourbon! And this you cherish the hope of doing, because you have had a successful campaign. Why, sir, before

this you have had a successful campaign. The situation of the allies, with all they have gained, is surely not to be compared now to what it was when you had taken Valenciennes, Quesnoy, Condé, etc., which induced some gentlemen in this House to prepare themselves for a march to Paris. With all that you have gained, you surely will not say that the prospect is brighter now than it was then. What have you gained but the recovery of a part of what you before lost? One campaign is successful to you; another to them; and in this way, animated by the vindictive passions of revenge, hatred, and rancor, which are infinitely more flagitious, even, than those of ambition and the thirst of power, you may go on forever; as, with such black incentives, I see no end to human misery.

And all this without an intelligible motive. All this because you may gain a better peace a year or two hence! So that we are called upon to go on merely as a speculation. We must keep Bonaparte for some time longer at war, as a state of probation. Gracious God, sir! is war a state of probation? Is peace a rash system? Is it dangerous for nations to live in amity with each other? Are your vigilance, your policy, your common powers of observation, to

be extinguished by putting an end to the horrors of war? Can not this state of probation be as well undergone without adding to the catalogue of human sufferings? "But we must *pause*!" What! must the bowels of Great Britain be torn out—her best blood be spilled—her treasure wasted—that you may make an experiment? Put yourselves, oh! that you would put yourselves in the field of battle, and learn to judge of the sort of horrors that you excite! In former wars a man might, at least, have some feeling, some interest, that served to balance in his mind the impressions which a scene of carnage and of death must inflict. If a man had been present at the battle of Blenheim, for instance, and had inquired the motive of the battle, there was not a soldier engaged who could not have satisfied his curiosity, and even, perhaps, allayed his feelings. They were fighting, they knew, to repress the uncontrolled ambition of the Grand Monarch. But if a man were present now at a field of slaughter, and were to inquire for what they were fighting—"Fighting!" would be the answer; "they are not fighting; they are *pausing*." "Why is that man expiring? Why is that other writhing with agony? What means this implacable

fury?" The answer must be: "You are quite wrong, sir; you deceive yourself—they are not fighting—do not disturb them—they are merely *pausing*! This man is not expiring with agony—that man is not dead—he is only *pausing*! Lord help you, sir! they are not angry with one another; they have now no cause of quarrel; but their country thinks that there should be a *pause*. All that you see, sir, is nothing like fighting—there is no harm, nor cruelty, nor bloodshed in it whatever; it is nothing more than a *political pause*! It is merely to try an experiment—to see whether Bonaparte will not behave himself better than heretofore; and in the meantime we have agreed to a *pause*, in pure friendship!" And is this the way, sir, that you are to show yourselves the advocates of order? You take up a system calculated to uncivilize the world—to destroy order—to trample on religion—to stifle in the heart, not merely the generosity of noble sentiment, but the affections of social nature; and in the prosecution of this system, you spread terror and devastation all around you.

Sir, I have done. I have told you my opinion. I think you ought to have given a civil, clear, and explicit answer to the overture

which was fairly and handsomely made you. If you were desirous that the negotiation should have included all your allies, as the means of bringing about a general peace, you should have told Bonaparte so. But I believe you were afraid of his agreeing to the proposal. You took that method before. Ay, but you say the people were anxious for peace in 1797. I say they are friends to peace now ; and I am confident that you will one day acknowledge it. Believe me, they are friends to peace ; although by the laws which you have made, restraining the expression of the sense of the people, public opinion can not now be heard as loudly and unequivocally as heretofore. But I will not go into the internal state of this country. It is too afflicting to the heart to see the strides which have been made by means of, and under the miserable pretext of, this war, against liberty of every kind, both of power of speech and of writing, and to observe in another kingdom the rapid approaches to that military despotism which we affect to make an argument against peace. I know, sir, that public opinion, if it could be collected, would be for peace, as much now as in 1797 ; and that it is only by public opinion, and not by a sense of their duty, or by

the inclination of their minds, that ministers will be brought, if ever, to give us peace.

I conclude, sir, with repeating what I said before : I ask for no gentleman's vote who would have reprobated the compliance of ministers with the proposition of the French Government. I ask for no gentleman's support to-night who would have voted against ministers, if they had come down and proposed to enter into a negotiation with the French. But I have a right to ask, and in honor, in consistency, in conscience, I have a right to expect, the vote of every honorable gentleman who would have voted with ministers in an address to his Majesty, diametrically opposite to the motion of this night.

This speech of Fox is said to have made a deep impression on the House ; but it appears scarcely to have weakened the opposition to Napoleon's measures as set forth in the speech of Pitt. The address approving of the Government's course was carried by the overwhelming majority of 265 to 64. It was the reasoning of Pitt and the vote which followed the debate that determined the general line of English policy till Napoleon was landed at St. Helena. The speech of Fox, though not successful in defeating the governmental policy, was the ablest presentation ever made of the Opposition view.

## SIR JAMES MACKINTOSH.

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BORN on the 24th of October, 1765, James Mackintosh was fifteen years younger than Erskine, and thirty-five younger than Burke. He early showed a remarkable fondness for reading, and when he was ten years of age was regarded in the locality of his birth near Inverness, in Scotland, as "a prodigy of learning." His favorite amusement at this period of his life appears to have been to gather his school-fellows about him and entertain them by delivering speeches in imitation of Fox and North, on the American war,—then the great question of the day. At fifteen, he entered King's College, Aberdeen, where he soon established a friendship with Robert Hall, which continued through life. Their tastes were similar, and they devoted themselves with

great earnestness to the study of the classics, and to the more abstruse forms of philosophical reasoning. They were in the habit of studying together and discussing the works of Berkeley, Butler, and Edwards, as well as those of Plato and Herodotus. This exercise, kept up during a large part of their collegiate course, appears to have exerted a great influence on the formation of their minds and tastes. Mackintosh afterward declared that he learned more from those discussions "than from all the books he ever read"; and Hall testified to the great ability of his companion, by saying that "he had an intellect more like that of Bacon than any other person of modern times."

After spending four years at Edinburgh in the study of medicine, Mackintosh repaired to London with a view to the practice of his profession. His heart seems, however, not to have been very fully enlisted in the work, and he was soon driven to the public press as a means of support. His first great work, published in 1791, commanded immediate attention, not



only for its elegant and expressive as well as keen and trenchant style, but also for the enthusiastic daring with which a young man of twenty-six grappled with the most powerful and accomplished writer of the day. The volume was nothing less than a "Defence of the French Revolution against the Accusations of the Right Honorable Edmund Burke." In point of style the work is certainly not equal to that of his great antagonist ; and no more than four years later, Mackintosh himself was so frank as to say to some Frenchmen who complimented him : " Ah, gentlemen, since that time you have entirely refuted me." But, in spite of its obvious faults, its great qualities as a piece of literary workmanship made a prodigious impression. Fox quoted it with enthusiastic approbation in the House of Commons ; and Canning, who ridiculed the Revolution, is said to have told a friend that he read the book " with as much admiration as he had ever felt." Three editions were immediately called for ; and it may be doubted whether even to

the present day it is not the most successful as well as the most powerful argument that has ever been made in opposition to the more celebrated treatise.

The publication of this masterly review showed plainly enough that another great writer had appeared. The reception the work received encouraged Mackintosh in the gratification of his tastes; and, finding himself irresistibly inclining to questions of political philosophy, he now abandoned the profession he had already entered, and turned his attention to the study of law. In 1795 he was admitted to the bar. Four years later he produced the second great literary impression of his life in the publication of the "Introduction to a Course of Lectures on the Law of Nature and of Nations." The remarkable impression made by this single lecture was expressed by Campbell, when he said: "Even supposing that essay had been recovered only imperfect and mutilated—if but a score of consecutive sentences could be shown, they would bear a testimony to his

genius as decided as the bust of Theseus bears to Grecian art among the Elgin marbles."

Mackintosh's lectures, in the spring of 1799, at Lincoln's Inn Hall, were attended by an auditory such as had never before met in England on a similar occasion. "Lawyers, members of Parliament, men of letters, and gentlemen from the country crowded the seats; and the Lord Chancellor, who, from a pressure of public business, was unable to attend, received a full report of each lecture in writing, and was loud in their praise." The introductory lecture, the only one that was written out and preserved, is as remarkable for its eloquence as for the depth of its learning and the vigor and discrimination of its thought.

Mackintosh now devoted himself to the practice of his profession with every prospect of the most flattering success. Regarding himself as more perfectly fitted for a position upon the bench than at the bar, he aspired to a judicial appointment at Trinidad or in India. The appointment was under contemplation,

when he was engaged to defend M. Jean Peltier, a Frenchman who resided in London and published a newspaper opposed to the rising fortunes of Bonaparte. There is an English statute against "libel on a friendly government"; and Bonaparte, who was now for the moment at peace with England, demanded that the statute should be enforced. Action was brought against Peltier, and when the case came on for trial Mackintosh delivered the speech selected from his works for this volume. He labored under the disadvantage of having the law clearly against him; but he regarded the equities of the case as entirely on the side of Peltier, and therefore he devoted his remarkable powers to the discussion of the general principles involved in the case. It was a plea in behalf of freedom of the English press—its privilege and its duty to comment on and to criticise the crimes even of the proudest tyrants. The jury, under the law, was obliged to convict; but seldom before an English court has a speech made a greater impression.

Of this fact we have the most conclusive evidence in the testimony of the greatest of English advocates. Erskine was present during its delivery, and before going to bed he sent to Mackintosh the following remarkable note :

“DEAR SIR :—I can not shake off from my nerves the effect of your powerful and most wonderful speech, which so completely disqualifies you for Trinidad or India. I could not help saying to myself, as you were speaking : ‘*O terram illam beatam qua hunc virum acciperit, hanc ingratham si ejicerit, miseram si amiserit.*’ I perfectly approve the verdict, but the manner in which you opposed it I shall always consider as one of the most splendid monuments of genius, literature, and eloquence.

“Yours ever,

T. ERSKINE.”

And Robert Hall, scarcely inferior to Erskine as a judge of what is worthy of praise in human speech, wrote to his old friend concerning it : “I speak my sincere sentiments when I say, it is the most extraordinary assemblage of whatever is most refined in address, profound in political and moral speculation, and masterly eloquence, which it has ever been my lot to read in the English language.”

A few months after the defence of Peltier,

Mackintosh received the honor of knighthood and was appointed Recorder at Bombay. This position took him to India, where he passed the next eight years, devoting his time to the duties of the bench and the pursuits of literature. On his return in 1812 to England he entered the House of Commons, and for four years was a firm supporter of the Whigs. In 1818 he accepted the Professorship of Law and General Politics in the newly established Hailbury College, a position which he filled with great distinction until 1827.

During all this period he did not relax his interest in the active affairs of government, nor in the questions that agitated the House of Commons. His speeches in the House, of which he continued to be a member, were remarkable for their wisdom; though perhaps not for their persuasive power. He will be remembered, not so much for his parliamentary services, as for his unrivalled plea in behalf of free speech, and for the many essays on philosophical and political subjects with which he

enriched the literature of our language. Until his death in 1832, he was one of the most highly esteemed writers of the "Encyclopedia Britannica" and of the *Edinburgh Review*.

## SIR JAMES MACKINTOSH.

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IN BEHALF OF FREE SPEECH, ON THE TRIAL OF  
JEAN PELTIER, ACCUSED OF LIBELLING  
NAPOLEON BONAPARTE; COURT  
OF KING'S BENCH, FEBRU-  
ARY 21, 1803.

GENTLEMEN OF THE JURY:

The time is now come for me to address you in behalf of the unfortunate gentleman who is the defendant on this record.

I must begin with observing, that though I know myself too well to ascribe to any thing but to the kindness and good nature of my learned friend, the Attorney-General, the unmerited praises which he has been pleased to bestow on me, yet, I will venture to say, he has done me no more than justice in supposing that in this place, and on this occasion, where I exercise the functions of an inferior minister of justice, an inferior minister, indeed, but a minister of justice still, I am incapable of lending myself to the passions of any client, and that I



will not make the proceedings of this court subservient to any political purpose. Whatever is respected by the laws and government of my country shall, in this place, be respected by me. In considering matters that deeply interest the quiet, the safety, and the liberty of all mankind, it is impossible for me not to feel warmly and strongly; but I shall make an effort to control my feelings however painful that effort may be, and where I can not speak out but at the risk of offending either sincerity or prudence, I shall labor to contain myself and be silent.

I can not but feel, gentlemen, how much I stand in need of your favorable attention and indulgence. The charge which I have to defend is surrounded with the most invidious topics of discussion; but they are not of my seeking. The case and the topics which are inseparable from it are brought here by the prosecutor. Here I find them, and here it is my duty to deal with them, as the interests of Mr. Peltier seem to me to require. He, by his choice and confidence, has cast on me a very arduous duty, which I could not decline, and which I can still less betray. He has a right to expect from me a faithful, a zealous, and a

fearless defence ; and this his just expectation, according to the measure of my humble abilities, shall be fulfilled. I have said a fearless defence. Perhaps that word was unnecessary in the place where I now stand. Intrepidity in the discharge of professional duty is so common a quality at the English bar, that it has, thank God, long ceased to be a matter of boast or praise. If it had been otherwise, gentlemen, if the bar could have been silenced or overawed by power, I may presume to say that an English jury would not this day have been met to administer justice. Perhaps I need scarce say that my defence *shall* be fearless, in a place where fear never entered any heart but that of a criminal. But you will pardon me for having said so much when you consider who the real parties before you are.

I. Gentlemen, the real prosecutor is the master of the greatest empire the civilized world ever saw. The defendant is a defenceless, proscribed exile. He is a French Royalist, who fled from his country in the autumn of 1792, at the period of that memorable and awful emigration, when all the proprietors and magistrates of the greatest civilized country in Europe were driven from their homes by the dag-

gers of assassins ; when our shores were covered, as with the wreck of a great tempest, with old men, and women, and children, and ministers of religion, who fled from the ferocity of their countrymen as before an army of invading barbarians.

The greatest part of these unfortunate exiles, of those, I mean, who have been spared by the sword, who have survived the effect of pestilential climates or broken hearts, have been since permitted to revisit their country. Though despoiled of their all, they have eagerly embraced even the sad privilege of being suffered to die in their native land.

Even this miserable indulgence was to be purchased by compliances, by declarations of allegiance to the new government, which some of these suffering Royalists deemed incompatible with their consciences, with their dearest attachments, and their most sacred duties. Among these last is Mr. Peltier. I do not presume to blame those who submitted, and I trust you will not judge harshly of those who refused. You will not think unfavorably of a man who stands before you as the voluntary victim of his loyalty and honor. If a revolution (which God avert) were to drive us into

exile, and to cast us on a foreign shore, we should expect, at least, to be pardoned by generous men, for stubborn loyalty and unseasonable fidelity to the laws and government of our fathers.

This unfortunate gentleman had devoted a great part of his life to literature. It was the amusement and ornament of his better days. Since his own ruin and the desolation of his country, he has been compelled to employ it as a means of support. For the last ten years he has been engaged in a variety of publications of considerable importance ; but since the peace he has desisted from serious political discussion, and confined himself to the obscure journal which is now before you ; the least calculated, surely, of any publication that ever issued from the press, to rouse the alarms of the most jealous government ; which will not be read in England, because it is not written in our language ; which cannot be read in France, because its entry into that country is prohibited by a power whose mandates are not very supinely enforced, nor often evaded with impunity ; which can have no other object than that of amusing the companions of the author's principles and misfortunes, by pleasantries and sar-

casms on their victorious enemies. There is, indeed, gentlemen, one remarkable circumstance in this unfortunate publication ; it is the only, or almost the only, journal which still dares to espouse the cause of that royal and illustrious family which but fourteen years ago was flattered by every press and guarded by every tribunal in Europe. Even the court in which we are met affords an example of the vicissitudes of their fortune. My learned friend has reminded you that the last prosecution tried in this place, at the instance of a French Government, was for a libel on that magnanimous princess, who has since been butchered in sight of her palace.

I do not make these observations with any purpose of questioning the general principles which have been laid down by my learned friend. I must admit his right to bring before you those who libel any government recognized by his Majesty, and at peace with the British empire. I admit that, whether such a government be of yesterday, or a thousand years old ; whether it be a crude and bloody usurpation, or the most ancient, just, and paternal authority upon earth, we are *here* equally bound, by his Majesty's recognition, to protect it against

libellous attacks. I admit that if, during our usurpation, Lord Clarendon had published his history at Paris, or the Marquess of Montrose his verses on the murder of his sovereign, or Mr. Cowley his "Discourse on Cromwell's Government," and if the English ambassador had complained, the President De Molf, or any other of the great magistrates who then adorned the Parliament of Paris, however reluctantly, painfully, and indignantly, might have been compelled to have condemned these illustrious men to the punishment of libellers. I say this only for the sake of bespeaking a favorable attention from your generosity and compassion to what will be feebly urged in behalf of my unfortunate client, who has sacrificed his fortune, his hopes, his connections, his country, to his conscience; who seems marked out for destruction in this his last asylum.

That he still enjoys the security of this asylum, that he has not been sacrificed to the resentment of his powerful enemies, is perhaps owing to the firmness of the King's government. If that be the fact, gentlemen; if his Majesty's ministers have resisted applications to expel this unfortunate gentleman from England, I should publicly thank them for their

firmness, if it were not unseemly and improper to suppose that they could have acted otherwise—to thank an English Government for not violating the most sacred duties of hospitality ; for not bringing indelible disgrace on their country.

But be that as it may, gentlemen, he now comes before you, perfectly satisfied that an English jury is the most refreshing prospect that the eye of accused innocence ever met in a human tribunal ; and he feels with me the most fervent gratitude to the Protector of empires that, surrounded as we are with the ruins of principalities and powers, we still continue to meet together, after the manner of our fathers, to administer justice in this, her ancient sanctuary.

II. There is another point of view in which this case seems to me to merit your most serious attention. I consider it as the first of a long series of conflicts between the greatest power in the world and the only free press remaining in Europe. No man living is more thoroughly convinced than I am that my learned friend, Mr. Attorney-General, will never degrade his excellent character ; that he will never disgrace his high magistracy by mean compli-

ances, by an immoderate and unconscientious exercise of power; yet I am convinced, by circumstances which I shall now abstain from discussing, that I am to consider this as the first of a long series of conflicts between the greatest power in the world and the only free press now remaining in Europe. Gentlemen, this distinction of the English press is new; it is a proud and melancholy distinction. Before the great earthquake of the French Revolution had swallowed up all the asylums of free discussion on the continent, we enjoyed that privilege, indeed, more fully than others; but we did not enjoy it exclusively. In great monarchies, the press has always been considered as too formidable an engine to be intrusted to unlicensed individuals. But in other continental countries, either by the laws of the state, or by long habits of liberality and toleration in magistrates, a liberty of discussion has been enjoyed, perhaps sufficient for most useful purposes. It existed, in fact, where it was not protected by law; and the wise and generous connivance of governments was daily more and more secured by the growing civilization of their subjects. In Holland, in Switzerland, in the imperial towns of Germany, the press was either legally or





practically free. Holland and Switzerland are no more; and since the commencement of this prosecution, fifty imperial towns have been erased from the list of independent states by one dash of the pen. Three or four still preserve a precarious and trembling existence. I will not say by what compliances they must purchase its continuance. I will not insult the feebleness of states, whose unmerited fall I do most bitterly deplore.

These governments were in many respects one of the most interesting parts of the ancient system of Europe. Unfortunately for the repose of mankind, great states are compelled, by regard to their own safety, to consider the military spirit and martial habits of their people as one of the main objects of their policy. Frequent hostilities seem almost the necessary condition of their greatness; and, without being great, they cannot long remain safe. Smaller states exempted from this cruel necessity—a hard condition of greatness, a bitter satire on human nature—devoted themselves to the arts of peace, to the cultivation of literature, and the improvement of reason. They became places of refuge for free and fearless discussion; they were the impartial spectators and judges of the

various contests of ambition which from time to time disturbed the quiet of the world. They thus became peculiarly qualified to be the organs of that public opinion which converted Europe into a great republic, with laws which mitigated, though they could not extinguish, ambition; and with moral tribunals to which even the most despotic sovereigns were amenable. If wars of aggrandizement were undertaken, their authors were arraigned in the face of Europe. If acts of internal tyranny were perpetrated, they resounded from a thousand presses throughout all civilized countries. Princes, on whose will there were no legal checks, thus found a moral restraint which the most powerful of them could not brave with absolute impunity. They acted before a vast audience, to whose applause or condemnation they could not be utterly indifferent. The very constitution of human nature, the unalterable laws of the mind of man, against which all rebellion is fruitless, subjected the proudest tyrants to this control. No elevation of power, no depravity however consummate, no innocence however spotless, can render man wholly independent of the praise or blame of his fellow-men.

These governments were, in other respects, one of the most beautiful and interesting parts of our ancient system. The perfect security of such inconsiderable and feeble states, their undisturbed tranquillity amid the wars and conquests that surrounded them, attested, beyond any other part of the European system, the moderation, the justice, the civilization to which Christian Europe had reached in modern times. Their weakness was protected only by the habitual reverence for justice, which, during a long series of ages, had grown up in Christendom. This was the only fortification which defended them against those mighty monarchs to whom they offered so easy a prey. And till the French Revolution, this was sufficient. Consider, for instance, the situation of the Republic of Geneva. Think of her defenceless position, in the very jaws of France; but think also of her undisturbed security, of her profound quiet, of the brilliant success with which she applied to industry and literature, while Louis XIV. was pouring his myriads into Italy before her gates. Call to mind, if ages crowded into years have not effaced them from your memory, that happy period, when we scarcely dreamed more of the subjugation of the fee-

blest republic of Europe than of the conquest of her mightiest empire; and tell me if you can imagine a spectacle more beautiful to the moral eye, or a more striking proof of progress in the noblest principles of true civilization.

These feeble states—these monuments of the justice of Europe—the asylum of peace, of industry, and of literature—the organs of public reason—the refuge of oppressed innocence and persecuted truth, have perished with those ancient principles which were their sole guardians and protectors. They have been swallowed up by that fearful convulsion which has shaken the uttermost corners of the earth. They are destroyed and gone forever.

One asylum of free discussion is still inviolate. There is still one spot in Europe where man can freely exercise his reason on the most important concerns of society, where he can boldly publish his judgment on the acts of the proudest and most powerful tyrants. The press of England is still free. It is guarded by the free constitution of our forefathers. It is guarded by the hearts and arms of Englishmen, and I trust I may venture to say that if it be to fall, it will fall only under the ruins of the British empire.

It is an awful consideration, gentlemen. Every other monument of European liberty has perished. That ancient fabric which has been gradually reared by the wisdom and virtue of our fathers still stands. It stands, thanks be to God! solid and entire; but it stands alone, and it stands amid ruins.

In these extraordinary circumstances, I repeat that I must consider this as the first of a long series of conflicts between the greatest power in the world and the only free press remaining in Europe. And I trust that you will consider yourselves as the advanced guard of liberty, as having this day to fight the first battle of free discussion against the most formidable enemy that it ever encountered. You will therefore excuse me, if, on so important an occasion, I remind you, at more length than is usual, of those general principles of law and policy on this subject which have been handed down to us by our ancestors.

III. Those who slowly built up the fabric of our laws never attempted any thing so absurd as to define, by any precise rule, the obscure and shifting boundaries which divide libel from history or discussion. It is a subject which, from its nature, admits neither rules nor defini-

tions. The same words may be perfectly innocent in one case, and most mischievous and libellous in another. A change of circumstances, often apparently slight, is sufficient to make the whole difference. These changes, which may be as numerous as the variety of human intentions and conditions, can never be foreseen nor comprehended under any legal definitions, and the framers of our law have never attempted to subject them to such definitions. They left such ridiculous attempts to those who call themselves philosophers, but who have, in fact, proved themselves most grossly and stupidly ignorant of that philosophy which is conversant with human affairs.

The principles of the law of England on the subject of political libel are few and simple, and they are necessarily so broad, that, without a habitually mild administration of justice, they might encroach materially on the liberty of political discussion. Every publication which is intended to vilify either our own government or the government of any foreign state in amity with this kingdom, is, by the law of England, a libel.

To protect political discussion from the danger to which it would be exposed by these wide

principles, if they were severely and literally enforced, our ancestors trusted to various securities—some growing out of the law and constitution, and others arising from the character of those public officers whom the constitution had formed, and to whom its administration is committed. They trusted, in the first place, to the moderation of the legal officers of the crown, educated in the maxims and imbued with the spirit of a free government; controlled by the superintending power of Parliament, and peculiarly watched in all political prosecutions by the reasonable and wholesome jealousy of their fellow-subjects. And I am bound to admit that, since the glorious era of the Revolution [1688], making due allowance for the frailties, the faults, and the occasional vices of men, they have, upon the whole, not been disappointed. I know that in the hands of my learned friend that trust will never be abused. But, above all, they confided in the moderation and good sense of juries, popular in their origin, popular in their feelings, popular in their very prejudices, taken from the mass of the people, and immediately returning to that mass again. By these checks and temperaments they hoped that they should sufficiently repress malignant libels, without en-

dangerous that freedom of inquiry which is the first security of a free state. They knew that the offence of a political libel is of a very peculiar nature, and differing in the most important particulars from all other crimes. In all other cases, the most severe execution of law can only spread terror among the guilty; but in political libels it inspires even the innocent with fear. This striking peculiarity arises from the same circumstances which make it impossible to define the limits of libel and innocent discussion; which make it impossible for a man of the purest and most honorable mind to be always perfectly certain whether he be within the territory of fair argument and honest narrative, or whether he may not have unwittingly overstepped the faint and varying line which bounds them. But, gentlemen, I will go further. This is the only offence where severe and frequent punishments not only intimidate the innocent, but deter men from the most meritorious acts, and from rendering the most important services to their country. They indispose and disqualify men for the discharge of the most sacred duties which they owe to mankind. To inform the public on the conduct of those who administer public affairs requires courage and conscious se-



curity. It is always an invidious and obnoxious office ; but it is often the most necessary of all public duties. If it is not done boldly, it can not be done effectually, and it is not from writers trembling under the uplifted scourge that we are to hope for it.

There are other matters, gentlemen, to which I am desirous of particularly calling your attention. These are the circumstances in the condition of this country which have induced our ancestors, at all times, to handle with more than ordinary tenderness that branch of the liberty of discussion which is applied to the conduct of foreign states. The relation of this kingdom to the commonwealth of Europe is so peculiar, that no history, I think, furnishes a parallel to it. From the moment in which we abandoned all projects of continental aggrandizement, we could have no interest respecting the state of the continent but the interests of national safety and of commercial prosperity. The paramount interest of every state—that which comprehends every other—is *security*. And the security of Great Britain requires nothing on the continent but the uniform observance of justice. It requires nothing but the inviolability of ancient boundaries and the sacredness of ancient posses-

sions, which, on these subjects, is but another form of words for justice. A nation which is herself shut out from the possibility of continental aggrandizement can have no interest but that of preventing such aggrandizement in others. We can have no interest of safety but the preventing of those encroachments which, by their immediate effects, or by their example, may be dangerous to ourselves. We can have no interest of ambition respecting the continent. So that neither our real nor even our apparent interests can ever be at variance with justice.

As to commercial prosperity, it is, indeed, a secondary, but it is still a very important, branch of our national interests, and it requires nothing on the continent of Europe but the *maintenance of peace*, as far as the paramount interest of security will allow.<sup>29</sup>

Whatever ignorant or prejudiced men may affirm, no war was ever gainful to a commercial nation. Losses may be less in some, and incidental profits may arise in others. But no such profits ever formed an adequate compensation for the waste of capital and industry which all wars must produce. Next to peace, our commercial greatness depends chiefly on the affluence and prosperity of our neighbors. A commercial

nation has, indeed, the same interest in the wealth of her neighbors that a tradesman has in the wealth of his customers. The prosperity of England has been chiefly owing to the general progress of civilized nations in the arts and improvements of social life. Not an acre of land has been brought into cultivation in the wilds of Siberia or on the shores of the Mississippi which has not widened the market for English industry. It is nourished by the progressive prosperity of the world, and it amply repays all that it has received. It can only be employed in spreading civilization and enjoyment over the earth; and by the unchangeable laws of nature, in spite of the impotent tricks of government, it is now partly applied to revive the industry of those very nations who are the loudest in their senseless clamors against its pretended mischiefs. If the blind and barbarous project of destroying English prosperity could be accomplished, it could have no other effect than that of completely beggaring the very countries who now stupidly ascribe their own poverty to our wealth.

Under these circumstances, gentlemen, it became the obvious policy of the kingdom, a policy in unison with the maxims of a free

government, to consider with great indulgence even the boldest animadversions of our political writers on the ambitious projects of foreign states.

Bold, and sometimes indiscreet as these animadversions might be, they had, at least, the effect of warning the people of their danger, and of rousing the national indignation against those encroachments which England has almost always been compelled in the end to resist by arms. Seldom, indeed, has she been allowed to wait till a provident regard to her own safety should compel her to take up arms in defence of others. For as it was said by a great orator of antiquity that no man ever was the enemy of the republic who had not first declared war against him, so I may say, with truth, that no man ever meditated the subjugation of Europe who did not consider the destruction or the corruption of England as the first condition of his success.<sup>80</sup> If you examine history, you will find that no such project was ever formed in which it was not deemed a necessary preliminary, either to detach England from the common cause or to destroy her. It seems as if all the conspirators against the independence of nations might have sufficiently taught other

states that England is their natural guardian and protector; that she alone has no interest but their preservation; that her safety is interwoven with their own. When vast projects of aggrandizement are manifested, when schemes of criminal ambition are carried into effect, the day of battle is fast approaching for England. Her free government can not engage in dangerous wars without the hearty and affectionate support of her people. A state thus situated can not without the utmost peril silence those public discussions which are to point the popular indignation against those who must soon be enemies. In domestic dissensions, it may sometimes be the supposed interest of government to overawe the press. But it never can be even their apparent interest when the danger is purely foreign. A king of England who, in such circumstances, should conspire against the free press of this country, would undermine the foundations of his own throne; he would silence the trumpet which is to call his people round his standard.

Our ancestors never thought it their policy to avert the resentment of foreign tyrants by enjoining English writers to contain and repress their just abhorrence of the criminal en-

terprises of ambition. This great and gallant nation, which has fought in the front of every battle against the oppressors of Europe, has sometimes inspired fear, but, thank God, she has never felt it. We know that they are our real, and must soon become our declared foes.<sup>81</sup> We know that there can be no cordial amity between the natural enemies and the independence of nations. We have never adopted the cowardly and short-sighted policy of silencing our press, of breaking the spirit and palsying the hearts of our people for the sake of a hollow and precarious truce. We have never been base enough to purchase a short respite from hostilities by sacrificing the first means of defence; the means of rousing the public spirit of the people, and directing it against the enemies of their country and of Europe.

Gentlemen, the public spirit of a people, by which I mean the whole body of those affections which unites men's hearts to the commonwealth, is in various countries composed of various elements, and depends on a great variety of causes. In this country, I may venture to say that it mainly depends on the vigor of the popular parts and principles of our government, and

that the spirit of liberty is one of its most important elements. Perhaps it may depend less on those advantages of a free government which are most highly estimated by calm reason, than upon those parts of it which delight the imagination and flatter the just and natural pride of mankind. Among these we are certainly not to forget the political rights which are not uniformly withheld from the lowest classes, and the continual appeal made to them in public discussion, upon the greatest interests of the state. These are undoubtedly among the circumstances which endear to Englishmen their government and their country, and animate their zeal for that glorious institution which confers on the meanest of them a sort of distinction and nobility unknown to the most illustrious slaves who tremble at the frown of a tyrant. Whoever were unwarily and rashly to abolish or narrow these privileges, which it must be owned are liable to great abuse, and to very specious objections, might perhaps discover too late that he had been dismantling his country. Of whatever elements public spirit is composed, it is always and everywhere the chief defensive principle of a state. It is perfectly distinct from courage. Perhaps no nation,

certainly no European nation, ever perished from an inferiority of courage. And undoubtedly no considerable nation was ever subdued in which the public affections were sound and vigorous. It is public spirit which binds together the dispersed courage of individuals and fastens it to the commonwealth. It is, therefore, as I have said, the chief defensive principle of every country. Of all the stimulants which arouse it into action, the most powerful among us is certainly the press ; and it can not be restrained or weakened without imminent danger that the national spirit may languish, and that the people may act with less zeal and affection for their country in the hour of its danger.

These principles, gentlemen, are not new—they are genuine old English principles. And though in our days they have been disgraced and abused by ruffians and fanatics, they are in themselves as just and sound as they are liberal ; and they are the only principles on which a free state can be safely governed. These principles I have adopted since I first learned the use of reason, and I think I shall abandon them only with life.

IV. On these principles I am now to call your attention to the libel with which this unfortunate gentleman is charged. I heartily



rejoice that I concur with the greatest part of what has been said by my learned friend, Mr. Attorney-General, who has done honor even to his character by the generous and liberal principles which he has laid down. He has told you that he does not mean to attack *historical narrative*. He has told you that he does not mean to attack *political discussion*. He has told you, also, that he does not consider every intemperate word into which a writer, fairly engaged in narration or reasoning, might be betrayed, as a fit subject for prosecution. The essence of the crime of libel consists in the malignant mind which the publication proves, and from which it flows. A jury must be convinced, before they find a man guilty of libel, that his intention was to libel, not to state facts which he believed to be true, or reasonings which he thought just. My learned friend has told you that the liberty of history includes the right of publishing those observations which occur to intelligent men when they consider the affairs of the world; and I think he will not deny that it includes also the right of expressing those sentiments which all good men feel on the contemplation of extraordinary examples of depravity or excellence.

One more privilege of the historian, which the Attorney-General has not named, but to which his principles extend, it is now my duty to claim on behalf of my client ; I mean the right of *republishing, historically*, those documents, whatever their original malignity may be, which display the character and unfold the intentions of governments, or factions, or individuals. I think my learned friend will not deny that a historical compiler may innocently republish in England the most insolent and outrageous declaration of war ever published against his Majesty by a foreign government. The intention of the original author was to vilify and degrade his Majesty's government ; but the intention of the compiler is only to gratify curiosity, or, perhaps, to rouse just indignation against the calumniator whose production he republishes. His intention is not libellous—his republication is therefore not a libel. Suppose this to be the case with Mr. Peltier. Suppose him to have republished libels with a merely historical intention. In that case it can not be pretended that he is more a libeller than my learned friend, Mr. Abbott [junior counsel for the crown, afterward Lord Tenterden], who read these supposed libels to you when he opened the plead-

ings. Mr. Abbott republished them to you, that you might know and judge of them—Mr. Peltier, on the supposition I have made, also republished them, that the public might know and judge of them.

You already know that the general plan of Mr. Peltier's publication was to give a picture of the cabals and intrigues, of the hopes and projects, of French factions. It is undoubtedly a natural and necessary part of this plan to republish all the serious and ludicrous pieces which these factions circulate against each other. The ode ascribed to Chenier or Ginguéné I do really believe to have been written at Paris, to have been circulated there, to have been there attributed to some one of these writers, to have been sent to England as their work, and as such to have been republished by Mr. Peltier. But I am not sure that I have evidence to convince you of the truth of this. Suppose that I have not; will my learned friend say that my client must necessarily be convicted? I, on the contrary, contend that it is for my learned friend to show that it is not an historical republication. Such it professes to be, and that profession it is for him to disprove. The profession may indeed be "a mask"; but

it is for my friend to pluck off the mask, and expose the libeller, before he calls upon you for a verdict of guilty.

If the general lawfulness of such republications be denied, then I must ask Mr. Attorney-General to account for the long impunity which English newspapers have enjoyed. I must request him to tell you why they have been suffered to republish all the atrocious official and unofficial libels which have been published against his Majesty for the last ten years, by the Brissots, the Marats, the Dantons, the Robespierres, the Barrères, the Talliens, the Reubells, the Merlins, the Barrases, and all that long line of bloody tyrants who oppressed their own country and insulted every other which they had not the power to rob. What must be the answer? That the English publishers were either innocent, if their motive was to gratify curiosity, or praiseworthy, if their intention was to rouse indignation against the calumniators of their country. If any other answer be made, I must remind my friend of a most sacred part of his duty—the duty of protecting the honest fame of those who are absent in the service of their country. Within these few days we have seen, in every newspaper in England, a publica-

tion, called the Report of Colonel Sebastiani, in which a gallant British officer [General Stuart] is charged with writing letters to procure assassination. The publishers of that infamous report are not, and will not be prosecuted, because their intention is not to libel General Stuart. On any other principle, why have all our newspapers been suffered to circulate that most atrocious of all libels against the king and people of England, which purports to be translated from the *Moniteur* of the ninth of August, 1802—a libel against a prince who has passed through a factious and stormy reign of forty-three years, without a single imputation on his personal character; against a people who have passed through the severest trials of national virtue with unimpaired glory—who alone in the world can boast of mutinies without murder, of triumphant mobs without massacre, of bloodless revolutions, and of civil wars unstained by a single assassination. That most impudent and malignant libel which charges such a king of such a people, not only with having hired assassins, but with being so shameless, so lost to all sense of character, as to have bestowed on these assassins, if their murderous projects had succeeded, the highest badges of public honor, the

rewards reserved for statesmen and heroes—the order of the Garter—the order which was founded by the heroes of Cressy and Poitiers—the garter which was worn by Henry the Great and by Gustavus Adolphus, which might now be worn by the hero who, on the shores of Syria [Sir Sydney Smith]—the ancient theatre of English chivalry—has revived the renown of English valor and of English humanity—that unsullied garter which a detestable libeller dares to say is to be paid as the price of murder.

If I had now to defend an English publisher for the republication of that abominable libel, what must I have said in his defence? I must have told you that it was originally published by the French Government in their official gazette; that it was republished by the English editor to gratify the natural curiosity, perhaps to rouse the just resentment, of his English readers. I should have contended, and, I trust, with success, that his republication of a libel was not libellous; that it was lawful, that it was laudable. All that would be important, at least all that would be essential, in such a defence, I now state to you on behalf of Mr. Peltier; and if an English newspaper may safely republish the libels of the French Government

against his Majesty, I shall leave you to judge whether Mr. Peltier, in similar circumstances, may not with equal safety republish the libels of Chenier against the First Consul. On the one hand you have the assurances of Mr. Peltier in the context that this ode is merely a republication—you have also the general plan of his work, with which such a republication is perfectly consistent. On the other hand, you have only the suspicions of Mr. Attorney-General that this ode is an original production of the defendant.

But supposing that you should think it his production, and that you should also think it a libel, even in that event, which I cannot anticipate, I am not left without a defence. The question will still be open, "Is it a libel on Bonaparte, or is it a libel on Chenier or Ginguéné?" This is not an information for a libel on Chenier; and if you should think that this ode was produced by Mr. Peltier, and ascribed by him to Chenier, for the sake of covering that writer with the odium of Jacobinism, the defendant is entitled to your verdict of not guilty. Or if you should believe that it is ascribed to Jacobinical writers for the sake of *satirizing* a French Jacobinical faction, you

must also, in that case, acquit him. Butler puts seditious and immoral language into the mouth of rebels and fanatics; but "*Hudibras*" is not for that reason a libel on morality or government. Swift, in the most exquisite piece of irony in the world (his argument against the abolition of Christianity), uses the language of those shallow, atheistical coxcombs whom his satire was intended to scourge. The scheme of his irony required some levity and even some profaneness of language. But nobody was ever so dull as to doubt whether Swift meant to satirize atheism or religion. In the same manner Mr. Peltier, when he wrote a satire on French Jacobinism was compelled to ascribe to Jacobins a Jacobinical hatred of government. He was obliged, by dramatic propriety, to put into their mouths those anarchical maxims which are complained of in his ode. But it will be said, these incitements to insurrection are here directed against the authority of Bonaparte. This proves nothing, because they must have been so directed, if the ode were a satire on Jacobinism. French Jacobins must inveigh against Bonaparte, because he exercises the powers of government. The satirist who attacks them must transcribe their sentiments and adopt their language.



I do not mean to say, gentlemen, that Mr. Peltier feels any affection or professes any allegiance to Bonaparte. If I were to say so, he would disown me. He would disdain to purchase an acquittal by the profession of sentiments which he disclaims and abhors. Not to love Bonaparte is no crime. The question is not whether Mr. Peltier loves or hates the First Consul, but whether he has put revolutionary language into the mouth of Jacobins with a view to paint their incorrigible turbulence, and to exhibit the fruits of Jacobinical revolutions to the detestation of mankind.

Now, gentlemen, we can not give a probable answer to this question without previously examining two or three questions, on which the answer to the first must very much depend. Is there a faction in France which breathes the spirit, and is likely to employ the language, of this ode? Does it perfectly accord with their character and views? Is it utterly irreconcilable with the feelings, opinions, and wishes of Mr. Peltier? If these questions can be answered in the affirmative, then I think you must agree with me that Mr. Peltier does not in this ode speak his own sentiments, that he does not here vent his own resentment against

Bonaparte; but that he personates a Jacobin, and adopts his language for the sake of satirizing his principles.

These questions, gentlemen, lead me to those political discussions which, generally speaking, are in a court of justice odious and disgusting. Here, however, they are necessary, and I shall consider them only as far as the necessities of this cause require.

Gentlemen, the French Revolution—I must pause after I have uttered words which present such an overwhelming idea. But I have not now to engage in an enterprise so far beyond my force as that of examining and judging that tremendous Revolution. I have only to consider the character of the factions which it must have left behind it.

The French Revolution began with great and fatal errors. These errors produced atrocious crimes. A mild and feeble monarchy was succeeded by bloody anarchy, which very shortly gave birth to military despotism. France, in a few years, described the whole circle of human society.<sup>83</sup>

All this was in the order of nature. When every principle of authority and civil discipline, when every principle which enables some men

to command, and disposes others to obey, was extirpated from the mind by atrocious theories, and still more atrocious examples ; when every old institution was trampled down with contumely, and every new institution covered in its cradle with blood ; when the principle of property itself, the sheet-anchor of society, was annihilated ; when in the persons of the new possessors, whom the poverty of language obliges us to call proprietors, it was contaminated in its source by robbery and murder, and it became separated from that education and those manners, from that general presumption of superior knowledge and more scrupulous probity which form its only liberal titles to respect ; when the people were taught to despise every thing old, and compelled to detest every thing new, there remained only one principle strong enough to hold society together, a principle utterly incompatible, indeed, with liberty and unfriendly to civilization itself, a tyrannical and barbarous principle ; but in that miserable condition of human affairs, a refuge from still more intolerable evils. I mean the principle of military power which gains strength from that confusion and bloodshed in which all the other elements of society are dissolved, and which, in

these terrible extremities, is the cement that preserves it from total destruction.

Under such circumstances, Bonaparte usurped the supreme power in France. I say *usurped*, because an illegal assumption of power is a usurpation. But usurpation, in its strongest moral sense, is scarcely applicable to a period of lawless and savage anarchy. The guilt of military usurpation, in truth, belongs to the author of those confusions which sooner or later give birth to such a usurpation.

Thus, to use the words of the historian: "By recent as well as all ancient example, it became evident that illegal violence, with whatever pretences it may be covered, and whatever object it may pursue, must inevitably end at last in the arbitrary and despotic government of a single person." But though the government of Bonaparte has silenced the revolutionary factions, it has not and it can not have extinguished them. No human power could re-impress upon the minds of men all those sentiments and opinions which the sophistry and anarchy of fourteen years had obliterated. A faction must exist which breathes the spirit of the code now before you.

It is, I know, not the spirit of the quiet and

submissive majority of the French people. They have always rather suffered than acted in the Revolution. Completely exhausted by the calamities through which they have passed, they yield to any power which gives them repose. There is, indeed, a degree of oppression which rouses men to resistance ; but there is another and a greater, which wholly subdues and unmans them. It is remarkable that Robespierre himself was safe till he attacked his own accomplices. The spirit of men of virtue was broken, and there was no vigor of character left to destroy him, but in those daring ruffians who were the sharers of his tyranny.

As for the wretched populace who were made the blind and senseless instrument of so many crimes, whose frenzy can now be reviewed by a good mind with scarce any moral sentiment but that of compassion ; that miserable multitude of beings, scarcely human, have already fallen into a brutish forgetfulness of the very atrocities which they themselves perpetrated. They have already forgotten all the acts of their drunken fury. If you ask one of them, Who destroyed that magnificent monument of religion and art ? or who perpetrated

that massacre? they stupidly answer, the Jacobins! though he who gives the answer was probably one of these Jacobins himself; so that a traveller, ignorant of French history, might suppose the Jacobins to be the name of some Tartar horde who, after laying waste France for ten years, were at last expelled by the native inhabitants. They have passed from senseless rage to stupid quiet. Their delirium is followed by lethargy.<sup>ss</sup>

In a word, gentlemen, the great body of the people of France have been severely trained in those convulsions and proscriptions which are the school of slavery. They are capable of no mutinous, and even of no bold and manly political sentiments. And if this ode professed to paint their opinions, it would be a most unfaithful picture. But it is otherwise with those who have been the actors and leaders in the scene of blood. It is otherwise with the numerous agents of the most indefatigable, searching, multiform, and omnipresent tyranny that ever existed, which pervaded every class of society which had ministers and victims in every village in France.

Some of them, indeed, the basest of the race, the sophists, the rhetors, the poet-laureates of

murder, who were cruel only from cowardice and calculating selfishness, are perfectly willing to transfer their venal pens to any government that does not disdain their infamous support. These men, Republican from servility, who published rhetorical panegyrics on massacre, and who reduced plunder to a system of ethics, are as ready to preach slavery as anarchy. But the more daring, I had almost said, the more respectable ruffians, can not so easily bend their heads under the yoke. These fierce spirits have not lost

“ The unconquerable will,  
And study of revenge, immortal hate.”

They leave the luxuries of servitude to the mean and dastardly hypocrites, to the Belials and Mammons of the infernal faction. They pursue their old end of tyranny under their old pretext of liberty. The recollection of their unbounded power renders every inferior condition irksome and vapid ; and their former atrocities form, if I may so speak, a sort of moral destiny which irresistibly impels them to the perpetration of new crimes. They have no place left for penitence on earth. They labor under the most awful proscription of opinion that ever was pronounced against human beings. They have



cut down every bridge by which they could retreat into the society of men. Awakened from their dreams of Democracy, the noise subsided that deafened their ears to the voice of humanity; the film fallen from their eyes which hid from them the blackness of their own deeds; haunted by the memory of their inextinguishable guilt; condemned daily to look on the faces of those whom their hands made widows and orphans, they are goaded and scourged by these *real* furies, and hurried into the tumult of new crimes, which will drown the cries of remorse, or, if they be too depraved for remorse, will silence the curses of mankind. Tyrannical power is their only refuge from the just vengeance of their fellow-creatures. Murder is their only means of usurping power. They have no taste, no occupation, no pursuit but power and blood. If their hands are tied, they must at least have the luxury of murderous projects. They have drunk too deeply of human blood ever to relinquish their cannibal appetite.

Such a faction exists in France. It is numerous; it is powerful; and it has a principle of fidelity stronger than any that ever held together a society. *They are banded together by despair of forgiveness, by the unanimous detesta-*



*tion of mankind.* They are now contained by a severe and stern government. But they still meditate the renewal of insurrection and massacre ; and they are prepared to renew the worst and most atrocious of their crimes, that crime against posterity and against human nature itself, that crime of which the latest generations of mankind may feel the fatal consequences—the crime of degrading and prostituting the sacred name of liberty.

I must own that, however paradoxical it may appear, I should almost think not worse, but more meanly of them if it were otherwise. I must then think them destitute of that which I will not call courage, because that is the name of a virtue ; but of that ferocious energy which alone rescues ruffians from contempt. If they were destitute of that which is the heroism of murderers, they would be the lowest as well as the most abominable of beings.

It is impossible to conceive any thing more despicable than wretches who, after hectoring and bullying over their meek and blameless sovereign and his defenceless family, whom they kept so long in a dungeon trembling for their existence—whom they put to death by a slow torture of three years, after playing the Repub-

lican and the tyrannicide to women and children, become the supple and fawning slaves of the first government that knows how to wield the scourge with a firm hand.

I have used the word Republican because it is the name by which this atrocious faction describes itself. The assumption of that name is one of their crimes. They are no more Republicans than Royalists. They are the common enemies of all human society. God forbid that by the use of that word I should be supposed to reflect on the members of those respectable Republican communities which did exist in Europe before the French Revolution. That Revolution has spared many monarchies, but it has spared no republic within the sphere of its destructive energy. One republic only now exists in the world—a republic of English blood, which was originally composed of Republican societies, under the protection of a monarchy, which had, therefore, no great and perilous change in their internal constitution to effect; and of which, I speak it with pleasure and pride, the inhabitants, even in the convulsions of a most deplorable separation, displayed the humanity as well as valor which, I trust I may say, they inherited from their forefathers.

Nor do I mean by the use of the word "Republican" to confound this execrable faction with all those who, in the liberty of private speculation, may prefer a Republican form of government. I own that, after much reflection, I am not able to conceive an error more gross than that of those who believe in the possibility of erecting a republic in any of the old monarchical countries of Europe, who believe that in such countries an elective supreme magistracy can produce any thing but a succession of stern tyrannies and bloody civil wars. It is a supposition which is belied by all experience, and which betrays the greatest ignorance of the first principles of the constitution of society. It is an error which has a false appearance of superiority over vulgar prejudice ; it is, therefore, too apt to be attended with the most criminal rashness and presumption, and too easy to be inflamed into the most immoral and anti-social fanaticism. But as long as it remains a mere quiescent error, it is not the proper subject of moral disapprobation.

[Mr. Mackintosh then proceeds to a somewhat minute analysis of the publications of Peltier for the purpose of showing : first, that it was highly probable that the articles complained of were not written by Peltier ; secondly, that if written by him, they purported to be not his own sentiments but those

more or less prevalent at Paris ; thirdly, that the publications were not untrue representations ; fourthly, that there was no evidence of any thing more nearly approaching to malice than a justifiable indignation ; and, fifthly, that the passages complained of were aimed not so much at Napoleon as at others. This analysis, though very ingenious, is of no interest except from its bearing on the verdict, and is therefore here omitted. After concluding his discussion of the evidence, the advocate proceeded.]

Here, gentlemen, I think I might stop, if I had only to consider the defence of Mr. Peltier. I trust that you are already convinced of his innocence. I fear I have exhausted your patience, as I am sure I have very nearly exhausted my own strength. But so much seems to me to depend on your verdict, that I can not forbear from laying before you some considerations of a more general nature.

Believing, as I do, that we are on the eve of a great struggle ; that this is only the first battle between reason and power ; that you have now in your hands, committed to your trust, the only remains of free discussion in Europe, now confined to this kingdom—addressing you, therefore, as the guardians of the most important interests of mankind ; convinced that the unfettered exercise of reason depends more on your present verdict than on any other that

was ever delivered by a jury, I can not conclude without bringing before you the sentiments and examples of our ancestors in some of those awful and perilous situations by which divine Providence has in former ages tried the virtue of the English nation. We are fallen upon times in which it behooves us to strengthen our spirits by the contemplation of great examples of constancy. Let us seek for them in the annals of our forefathers.

The reign of Queen Elizabeth may be considered as the opening of the modern history of England, especially in its connection with the modern system of Europe, which began about that time to assume the form that it preserved till the French Revolution. It was a very memorable period, of which the maxims ought to be engraven on the head and heart of every Englishman. Philip II., at the head of the greatest empire then in the world, was openly aiming at universal domination, and his project was so far from being thought chimerical by the wisest of his contemporaries that, in the opinion of the great Duke of Sully, he must have been successful, "if, by a most singular combination of circumstances, he had not at the same time been resisted by two such strong

heads as those of Henry IV. and Queen Elizabeth." To the most extensive and opulent dominions, the most numerous and disciplined armies, the most renowned captains, the greatest revenue, he added also the most formidable power over opinion. He was the chief of a religious faction, animated by the most atrocious fanaticism, prepared to second his ambition by rebellion, anarchy, and regicide in every Protestant state. Elizabeth was among the first objects of his hostility. That wise and magnanimous princess placed herself in the front of the battle for the liberties of Europe. Though she had to contend at home with his fanatical faction, which almost occupied Ireland, which divided Scotland, and was not of contemptible strength in England, she aided the oppressed inhabitants of the Netherlands in their just and glorious resistance to his tyranny; she aided Henry the Great in suppressing the abominable rebellion which anarchical principles had excited and Spanish arms had supported in France, and after a long reign of various fortune, in which she preserved her unconquered spirit through great calamities and still greater dangers, she at length broke the strength of the enemy, and reduced his power within such

limits as to be compatible with the safety of England and of all Europe. Her only effectual ally was the spirit of her people, and her policy flowed from that magnanimous nature which in the hour of peril teaches better lessons than those of cold reason. Her great heart inspired her with a higher and a nobler wisdom—which disdained to appeal to the low and sordid passions of her people even for the protection of their low and sordid interests, because she knew, or, rather, she felt, that these are effeminate, creeping, cowardly, short-sighted passions, which shrink from conflict even in defence of their own mean objects. In a righteous cause, she roused those generous affections of her people which alone teach boldness, constancy, and foresight, and which are therefore the only safe guardians of the lowest as well as the highest interests of a nation. In her memorable address to her army, when the invasion of the kingdom was threatened by Spain, this woman of heroic spirit disdained to speak to them of their ease and their commerce, and their wealth and their safety. No! She touched another chord—she spoke of their national honor, of their dignity as Englishmen, of “the foul scorn that Parma or Spain *should dare* to invade the

borders of her realms." She breathed into them those grand and powerful sentiments which exalt vulgar men into heroes, which led them into the battle of their country, armed with holy and irresistible enthusiasm; which even cover with their shield all the ignoble interests that base calculation and cowardly selfishness tremble to hazard, but shrink from defending. A sort of prophetic instinct, if I may so speak, seems to have revealed to her the importance of that great instrument for rousing and guiding the minds of men, of the effects of which she had no experience, which, since her time, has changed the condition of the world, but which few modern statesmen have thoroughly understood or wisely employed; which is, no doubt, connected with many ridiculous and degrading details, which has produced, and which may again produce, terrible mischiefs, but of which the influence must, after all, be considered as the most certain effect and the most efficacious cause of civilization, and which, whether it be a blessing or a curse, is the most powerful engine that a politician can move—I mean the press. It is a curious fact that in the year of the Armada, Queen Elizabeth caused to be printed the first gazettes that



ever appeared in England ; and I own, when I consider that this mode of rousing a national spirit was then absolutely unexampled, that she could have no assurance of its efficacy from the precedents of former times, I am disposed to regard her having recourse to it as one of the most sagacious experiments, one of the greatest discoveries of political genius, one of the most striking anticipations of future experience that we find in history. I mention it to you to justify the opinion that I have ventured to state of the close connection of our national spirit with our press, even our periodical press. I can not quit the reign of Elizabeth without laying before you the maxims of her policy, in the language of the greatest and wisest of men. Lord Bacon, in one part of his discourse on her reign, speaks thus of her support of Holland : "But let me rest upon the honorable and continual aid and relief she hath given to the distressed and desolate people of the Low Countries—a people recommended unto her by ancient confederacy and daily intercourse, by their cause so innocent and their fortune so lamentable !" In another passage of the same discourse, he thus speaks of the general system of her foreign policy as the protector of Europe, in words

too remarkable to require any commentary. "Then it is her government, and her government alone, that hath been the sconce and fort of all Europe, which hath let this proud nation from overrunning all. If any state be yet free from his factions erected in the bowels thereof; if there be any state wherein this faction is erected that is not yet fired with civil troubles; if there be any state under his protection that enjoyeth moderate liberty, upon whom he tyrannizeth not, it is the mercy of this renowned Queen that standeth between them and their misfortunes!"

The next great conspirator against the rights of men and of nations, against the security and independence of all European states, against every kind and degree of civil and religious liberty, was Louis XIV. In his time the character of the English nation was the more remarkably displayed, because it was counteracted by an apostate and perfidious government. During great part of his reign, you know that the throne of England was filled by princes who deserted the cause of their country and of Europe, who were the accomplices and the tools of the oppressor of the world, who were even so unmanly, so unprincely, so base, as to

have sold themselves to his ambition; who were content that he should enslave the continent, if he enabled them to enslave Great Britain. These princes, traitors to their own royal dignity and to the feelings of the generous people whom they ruled, preferred the condition of the first slave of Louis XIV. to the dignity of the first freemen of England<sup>34</sup>; yet even under these princes, the feelings of the people of this kingdom were displayed, on a most memorable occasion, toward foreign sufferers and foreign oppressors. The revocation of the Edict of Nantes threw fifty thousand French Protestants on our shores. They were received as I trust the victims of tyranny ever will be in this land, which seems chosen by Providence to be the home of the exile, the refuge of the oppressed. They were welcomed by a people high-spirited as well as humane, who did not insult them by clandestine charity; who did not give alms in secret lest their charity should be detected by the neighboring tyrants! No! They were publicly and nationally welcomed and relieved. They were bid to raise their voice against their oppressor, and to proclaim their wrongs to all mankind. They did so. They were joined in the cry of just indig-

nation by every Englishman worthy of the name. It was a fruitful indignation, which soon produced the successful resistance of Europe to the common enemy. Even then, when Jeffreys disgraced the bench which his Lordship [Lord Ellenborough] now adorns, no refugee was deterred by prosecution for libel from giving vent to his feelings, from arraigning the oppressor in the face of all Europe.

During this ignominious period of our history, a war arose on the continent, which can not but present itself to the mind on such an occasion as this; the only war that was ever made on the avowed ground of attacking a free press. I speak of the invasion of Holland by Louis XIV. The liberties which the Dutch gazettes had taken in discussing his conduct were the sole cause of this very extraordinary and memorable war, which was of short duration, unprecedented in its avowed principle, and most glorious in its event for the liberties of mankind. That republic, at all times so interesting to Englishmen—in the worst times of both countries our brave enemies; in their best times our most faithful and valuable friends—was then charged with the defence of a free press against the oppressor of Europe, as a sacred

trust for the benefit of all generations. They felt the sacredness of the deposit, they felt the dignity of the station in which they were placed, and though deserted by the un-English government of England, they asserted their own ancient character, and drove out the great armies and great captains of the oppressor with defeat and disgrace. Such was the result of the only war hitherto avowedly undertaken to oppress a free country because she allowed the free and public exercise of reason. And may the God of justice and liberty grant that such may ever be the result of wars made by tyrants against the rights of mankind, especially against that right which is the guardian of every other!

This war, gentlemen, had the effect of raising up from obscurity the great Prince of Orange, afterward King William III., the deliverer of Holland, the deliverer of England, the deliverer of Europe; the only hero who was distinguished by such a happy union of fortune and virtue that the objects of his ambition were always the same with the interests of humanity; perhaps the only man who devoted the whole of his life exclusively to the service of mankind. This most illustrious benefactor of Europe, this "hero without vanity or pas-

sion," as he has been justly and beautifully called by a venerable prelate [Dr. Shipley, Bishop of St. Asaph], who never made a step toward greatness without securing or advancing liberty, who had been made Stadtholder of Holland for the salvation of his own country, was soon after made King of England for the deliverance of ours. When the people of Great Britain had once more a government worthy of them, they returned to the feelings and principles of their ancestors, and resumed their former station and their former duties as protectors of the independence of nations. The people of England, delivered from a government which disgraced, oppressed, and betrayed them, fought under William as their forefathers had fought under Elizabeth, and after an almost uninterrupted struggle of more than twenty years, in which they were often abandoned by fortune, but never by their own constancy and magnanimity, they at length once more defeated those projects of guilty ambition, boundless aggrandizement, and universal domination, which had a second time threatened to overwhelm the whole civilized world. They rescued Europe from being swallowed up in the gulf of extensive empire,

which the experience of all times points out as the grave of civilization ; where men are driven by violent conquest and military oppression into lethargy and slavishness of heart ; where, after their arts have perished with the mental vigor from which they spring, they are plunged by the combined power of effeminacy and ferocity into irreclaimable and hopeless barbarism. Our ancestors established the safety of their own country by providing for that of others, and rebuilt the European system upon such firm foundations that nothing less than the tempest of the French Revolution could have shaken it.

The arduous struggle was suspended for a short time by the peace of Ryswick. The interval between that treaty and the war of the succession enables us to judge how our ancestors acted in a very peculiar situation, which requires maxims of policy very different from those which usually govern states. The treaty which they had concluded was in truth and substance only a truce. The ambition and the power of the enemy were such as to render real peace impossible. And it was perfectly obvious that the disputed succession of the Spanish monarch would soon render it no

longer practicable to preserve even the appearance of amity. It was desirable, however, not to provoke the enemy by unseasonable hostility; but it was still more desirable, it was absolutely necessary, to keep up the national jealousy and indignation against him who was soon to be their open enemy. It might naturally have been apprehended that the press might have driven into premature war a prince who, not long before, had been violently exasperated by the press of another free country. I have looked over the political publications of that time with some care, and I can venture to say that at no period were the system and projects of Louis XIV. animadverted on with more freedom and boldness than during that interval. Our ancestors and the heroic prince who governed them, did not deem it wise policy to disarm the national mind for the sake of prolonging a truce. They were both too proud and too wise to pay so great a price for so small a benefit.

In the course of the eighteenth century, a great change took place in the state of political discussion in this country. I speak of the multiplication of newspapers. I know that newspapers are not very popular in this place,





which is, indeed, not very surprising, because they are known here only by their faults. Their publishers come here only to receive the chastisement due to their offences. With all their faults, I own I can not help feeling some respect for whatever is a proof of the increased curiosity and increased knowledge of mankind ; and I can not help thinking that if somewhat more indulgence and consideration were shown for the difficulties of their situation, it might prove one of the best correctives of their faults, by teaching them that self-respect which is the best security for liberal conduct toward others. But however that may be, it is very certain that the multiplication of these channels of popular information has produced a great change in the state of our domestic and foreign politics. At home, it has, in truth, produced a gradual revolution in our government. By increasing the number of those who exercise some sort of judgment on public affairs, it has created a substantial democracy, infinitely more important than those democratical forms which have been the subject of so much contest. So that I may venture to say, England has not only in its forms the most democratical government that ever existed in a great country, but in substance

has the most democratical government that ever existed in any country ; if the most *substantial* democracy be that state in which the greatest number of men feel an interest and express an opinion upon political questions, and in which the greatest number of judgments and wills concur in influencing public measures.

The same circumstances gave great additional importance to our discussion of continental politics. That discussion was no longer, as in the preceding century, confined to a few pamphlets, written and read only by men of education and rank, which reached the multitude very slowly and rarely. In newspapers an almost daily appeal was made, directly or indirectly, to the judgment and passions of almost every individual in the kingdom, upon the measures and principles not only of his own country, but of every state in Europe. Under such circumstances, the tone of these publications, in speaking of foreign governments, became a matter of importance. You will excuse me, therefore, if, before I conclude, I remind you of the general nature of their language on one or two very remarkable occasions, and of the boldness with which they arraigned the crimes of powerful sovereigns, without any check from the laws

and magistrates of their own country. This toleration, or rather this protection, was too long and uniform to be accidental. I am, indeed, very much mistaken if it be not founded upon a policy which this country can not abandon without sacrificing her liberty and endangering her national existence.

The first remarkable instance which I shall choose to state of the unpunished and protected boldness of the English press, of the freedom with which they animadverted on the policy of powerful sovereigns, is the partition of Poland in 1772 ; an act not, perhaps, so horrible in its means, nor so deplorable in its immediate effects, as some other atrocious invasions of national independence which have followed it ; but the most abominable in its general tendency and ultimate consequences of any political crime recorded in history, because it was the first practical breach in the system of Europe, the first example of atrocious robbery perpetrated on unoffending countries which have been since so liberally followed, and which has broken down all the barriers of habit and principle which guarded defenceless states. The perpetrators of this atrocious crime were the most powerful sovereigns of the continent, whose

hostility it certainly was not the interest of Great Britain wantonly to incur. They were the most illustrious princes of their age, and some of them were, doubtless, entitled to the highest praise for their domestic administration, as well as for the brilliant qualities which distinguished their characters. But none of these circumstances, no dread of their resentment, no admiration of their talents, no consideration for their rank, silenced the animadversion of the English press. Some of you remember, all of you know, that a loud and unanimous cry of reprobation and execration broke out against them from every part of this kingdom. It was perfectly uninfluenced by any considerations of our own mere national interest, which might perhaps be supposed to be rather favorably affected by that partition. It was not, as in some other countries, the indignation of rival robbers, who were excluded from their share of the prey. It was the moral anger of disinterested spectators against atrocious crimes, the gravest and the most dignified moral principle which the God of justice has implanted in the human heart; that of which the dread is the only restraint on the actions of powerful criminals, and of which the promulgation is the

only punishment that can be inflicted on them. It is a restraint which ought not to be weakened. It is a punishment which no good man can desire to mitigate.

That great crime was spoken of as it deserved in England. Robbery was not described by any courtly circumlocutions. Rapine was not called policy ; nor was the oppression of an innocent people termed *a mediation* in their domestic differences. No prosecutions, no criminal informations followed the liberty and the boldness of the language then employed. No complaints even appear to have been made from abroad, much less any insolent menaces against the free constitution which protected the English press. The people of England were too long known throughout Europe for the proudest potentate to expect to silence our press by such means.

I pass over the second partition of Poland in 1792. You all remember what passed on that occasion, the universal abhorrence expressed by every man and every writer of every party, the succors that were publicly preparing by large bodies of individuals of all parties for the oppressed Poles.

I hasten to the final dismemberment of that unhappy kingdom, which seems to me the most

striking example in our history of the habitual, principled, and deeply rooted forbearance of those who administer the law toward political writers. We were engaged in the most extensive, bloody, and dangerous war that this country ever knew ; and the parties to the dismemberment of Poland were our allies, and our only powerful and effective allies. We had every motive of policy to court their friendship. Every reason of state seemed to require that we should not permit them to be abused and vilified by English writers. What was the fact? Did any Englishman consider himself at liberty, on account of temporary interests, however urgent, to silence those feelings of humanity and justice which guard the certain and permanent interests of all countries? You all remember that every voice, and every pen, and every press in England were unceasingly employed to brand that abominable robbery. You remember that this was not confined to private writers, but that the same abhorrence was expressed by every member of both Houses of Parliament who was not under the restraints of ministerial reserve. No minister dared even to blame the language of honest indignation which might be very inconvenient to his most impor-

tant political projects ; and I hope I may venture to say that no English assembly would have endured such a sacrifice of eternal justice to any miserable interest of an hour. Did the law-officers of the crown venture to come into a court of justice to complain of the boldest of the publications of that time? They did not. I do not say that they felt any disposition to do so. I believe that they could not. But I do say that if they had ; if they had spoken of the necessity of confining our political writers to cold narrative and unfeeling argument ; if they had informed the jury that they did not prosecute history, but invective ; that if private writers be at all to blame great princes, it must be with moderation and decorum, the sound heads and honest hearts of an English jury would have confounded such sophistry, and declared by their verdict that moderation of language is a relative term, which varies with the subject to which it is applied ; that atrocious crimes are not to be related as calmly and coolly as indifferent or trifling events ; that if there be a decorum due to exalted rank and authority, there is also a much more sacred decorum due to virtue and to human nature, which would be outraged and trampled under foot by speak-

ing of guilt in a lukewarm language, falsely called moderate.

Soon after, gentlemen, there followed an act, in comparison with which all the deeds of rapine and blood perpetrated in the world are innocence itself—the invasion and destruction of Switzerland, that unparalleled scene of guilt and enormity; that unprovoked aggression against an innocent country, which had been the sanctuary of peace and liberty for three centuries; respected as a sort of sacred territory by the fiercest ambition; raised, like its own mountains, beyond the region of the storms which raged around on every side; the only warlike people that never sent forth armies to disturb their neighbors; the only government that ever accumulated treasures without imposing taxes, an innocent treasure, unstained by the tears of the poor, the inviolate patrimony of the commonwealth, which attested the virtue of a long series of magistrates, but which at length caught the eye of the spoiler, and became the fatal occasion of their ruin! Gentlemen, the destruction of such a country, “its cause so innocent, and its fortune so lamentable!” made a deep impression on the people of England. I will ask my learned friend, if we had



then been at peace with the French Republic, whether we must have been silent spectators of the foulest crimes that ever blotted the name of humanity! whether we must, like cowards and slaves, have repressed the compassion and indignation with which that horrible scene of tyranny had filled our hearts? Let me suppose, gentlemen, that ALOYS REDING, who has displayed in our times the simplicity, magnanimity, and piety of ancient heroes, had, after his glorious struggle, honored this kingdom by choosing it as his refuge; that after performing prodigies of valor at the head of his handful of heroic peasants on the field of Morgarten, where his ancestor, the *Landmann Reding*, had, five hundred years before, defeated the first oppressors of Switzerland, he had selected this country to be his residence, as the chosen abode of liberty, as the ancient and inviolable asylum of the oppressed; would my learned friend have had the boldness to have said to this hero, "that he must hide his tears" (the tears shed by a hero over the ruins of his country!) "lest they might provoke the resentment of *Reubell* or *Rapinat*! that he must smother the sorrow and the anger with which his heart was loaded; that he must breathe his

murmurs low, lest they might be overheard by the oppressor!" Would this have been the language of my learned friend? I know that it would not. I know that by such a supposition I have done wrong to his honorable feelings, to his honest English heart. I am sure that he knows as well as I do, that a nation which should *thus* receive the oppressed of other countries would be preparing its own neck for the yoke. He knows the slavery which such a nation would deserve, and must speedily incur. He knows that sympathy with the unmerited sufferings of others, and disinterested anger against their oppressors, are, if I may so speak, the masters which are appointed by Providence to teach us fortitude in the defence of our own rights; that selfishness is a dastardly principle, which betrays its charge and flies from its post; and that those only can defend themselves with valor who are animated by the moral approbation with which they can survey their sentiments toward others, who are ennobled in their own eyes by a consciousness that they are fighting for justice as well as interest; a consciousness which none can feel but those who have felt for the wrongs of their brethren. These are the sentiments which my learned friend would have

felt. He would have told the hero: "Your confidence is not deceived; this is still that England, of which the history may, perhaps, have contributed to fill your heart with the heroism of liberty. Every other country of Europe is crouching under the bloody tyrants who destroyed your country. *We* are unchanged; we are still the same people which received with open arms the victims of the tyranny of Philip II. and Louis XIV. We shall not exercise a cowardly and clandestine humanity! Here we are not so dastardly as to rob you of your greatest consolation. Here, protected by a free, brave, and high-minded people, you may give vent to your indignation; you may proclaim the crimes of your tyrants; you may devote them to the execration of mankind; there is still one spot upon earth in which they are abhorred, without being dreaded!" 85

I am aware, gentlemen, that I have already abused your indulgence, but I must entreat you to bear with me for a short time longer, to allow me to suppose a case which might have occurred, in which you will see the horrible consequences of enforcing rigorously principles of law, which I can not counteract, against political writers. We might have been at peace with

France during the whole of that terrible period which elapsed between August, 1792 and 1794, which has been usually called the reign of Robespierre!—the only series of crimes, perhaps, in history which, in spite of the common disposition to exaggerate extraordinary facts, has been beyond measure underrated in public opinion. I say this, gentlemen, after an investigation which, I think, entitles me to affirm it with confidence. Men's minds were oppressed by atrocity and the multitude of crimes; their humanity and their indolence took refuge in skepticism from such an overwhelming mass of guilt; and the consequence was, that all these unparalleled enormities, though proved not only with the fullest historical but with the strictest judicial evidence, were at the time only half believed, and are now scarcely half remembered. When these atrocities were daily perpetrating, of which the greatest part are as little known to the public in general as the campaigns of Genghis Khan, but are still protected from the scrutiny of men by the immensity of those voluminous records of guilt in which they are related, and under the mass of which they will be buried till some historian be found with patience and courage enough to drag them forth

into light, for the shame, indeed, but for the instruction of mankind—when these crimes were perpetrating, which had the peculiar malignity, from the pretexts with which they were covered, of making the noblest objects of human pursuit seem odious and detestable ; which have almost made the names of liberty, reformation, and humanity synonymous with anarchy, robbery, and murder ; which thus threatened not only to extinguish every principle of improvement, to arrest the progress of civilized society, and to disinherit future generations of that rich succession which they were entitled to expect from the knowledge and wisdom of the present, but to destroy the civilization of Europe, which never gave such a proof of its vigor and robustness as in being able to resist their destructive power—when all these horrors were acting in the greatest empire of the continent, I will ask my learned friend, if we had then been at peace with France, how English writers were to relate them so as to escape the charge of libelling a friendly government ?

When Robespierre, in the debates in the National Convention on the mode of murdering their blameless sovereign, objected to the formal and tedious mode of murder called

a trial, and proposed to put him immediately to death, "on the principles of insurrection," because, to doubt the guilt of the king would be to doubt the innocence of the Convention; and if the king were not a traitor, the Convention must be rebels; would my learned friend have had an English writer state all this with "*decorum and moderation?*" Would he have had an English writer state that though this reasoning was not perfectly agreeable to our national laws, or perhaps to our national prejudices, yet it was not for him to make any observations on the judicial proceedings of foreign states?

When Marat, in the same Convention, called for two hundred and seventy thousand heads must our English writers have said that the remedy did, indeed, seem to their weak judgment rather severe; but that it was not for them to judge the conduct of so illustrious an assembly as the National Convention, or the suggestions of so enlightened a statesman as M. Marat?

When that Convention resounded with applause at the news of several hundred aged priests being thrown into the Loire, and particularly at the exclamation of Carrier, who

communicated the intelligence, "What a revolutionary torrent is the Loire"—when these suggestions and narrations of murder, which have hitherto been only hinted and whispered in the most secret cabals, in the darkest caverns of banditti, were triumphantly uttered, patiently endured, and even loudly applauded by an assembly of seven hundred men, acting in the sight of all Europe, would my learned friend have wished that there had been found in England a single writer so base as to deliberate upon the most safe, decorous, and polite manner of relating all these things to his countrymen?

When Carrier ordered five hundred children under fourteen years of age to be shot, the greater part of whom escaped the fire from their size, when the poor victims ran for protection to the soldiers, and were bayoneted clinging round their knees! *would my friend*—but I can not pursue the strain of interrogation. It is too much. It would be a violence which I can not practise on my own feelings. It would be an outrage to my friend. It would be an insult to humanity. No! Better, ten thousand times better, would it be that every press in the world were burned; that the very use of

letters were abolished ; that we were returned to the honest ignorance of the rudest times, than that the results of civilization should be made subservient to the purposes of barbarism, than that literature should be employed to teach a toleration for cruelty, to weaken moral hatred for guilt, to deprave and brutalize the human mind. I know that I speak my friend's feelings as well as my own when I say God forbid that the dread of any punishment should ever make any Englishman an accomplice in so corrupting his countrymen, a public teacher of depravity and barbarity !

Mortifying and horrible as the idea is, I must remind you, gentlemen, that even at that time, even under the reign of Robespierre, my learned friend, if he had then been attorney-general, might have been compelled by some most deplorable necessity to have come into this court to ask your verdict against the libellers of Barrère and Collot d'Herbois. Mr. Peltier then employed his talents against the enemies of the human race, as he has uniformly and bravely done. I do not believe that any peace, any political considerations, any fear of punishment would have silenced him. He has shown too much honor, and constancy, and intrep-



idity, to be shaken by such circumstances as these.

My learned friend might then have been compelled to have filed a criminal information against Mr. Peltier, for "wickedly and maliciously intending to vilify and degrade Maximilian Robespierre, President of the Committee of Public Safety of the French Republic!" He might have been reduced to the sad necessity of appearing before you to belie his own better feelings, to prosecute Mr. Peltier for publishing those sentiments which my friend himself had a thousand times felt, and a thousand times expressed. He might have been obliged even to call for punishment upon Mr. Peltier for language which he and all mankind would forever despise Mr. Peltier if he were not to employ. Then, indeed, gentlemen, we should have seen the last humiliation fall on England; the tribunals, the spotless and venerable tribunals, of this free country reduced to be the ministers of the vengeance of Robespierre! What could have rescued us from this last disgrace? *The honesty and courage of a jury.* They would have delivered the judges of this country from the dire necessity of inflicting punishment on a brave and virtuous man, because he spoke

truth of a monster. They would have despised the threats of a foreign tyrant, as their ancestors braved the power of oppression at home.

In the court where we are now met, Cromwell twice sent a satirist on his tyranny to be convicted and punished as a libeller, and in this court, almost in sight of the scaffold streaming with the blood of his sovereign, within hearing of the clash of his bayonets which drove out Parliament with contumely, two successive juries rescued the intrepid satirist [Lilburne] from his fangs, and sent out with defeat and disgrace the usurper's attorney-general from what he had the insolence to call *his* court! Even then, gentlemen, when all law and liberty were trampled under the feet of a military banditti; when those great crimes were perpetrated on a high place and with a high hand against those who were the objects of public veneration, which, more than any thing else, break their spirits and confound their moral sentiments, obliterate the distinctions between right and wrong in their understanding, and teach the multitude to feel no longer any reverence for that justice which they thus see triumphantly dragged at the chariot-wheels of a tyrant; even then, when this unhappy country, triumphant,

indeed, abroad, but enslaved at home, had no prospect but that of a long succession of tyrants wading through slaughter to a throne—even then, I say, when all seemed lost, the unconquerable spirit of English liberty survived in the hearts of English jurors. That spirit is, I trust in God, not extinct; and if any modern tyrant were, in the drunkenness of his insolence, to hope to overawe an English jury, I trust and I believe that they would tell him: "Our ancestors braved the bayonets of Cromwell; we bid defiance to yours. *Contempsi Catilinæ gladios—non pertimescam tuos!*"

What could be such a tyrant's means of overawing a jury? As long as their country exists, they are girt round with impenetrable armor. Till the destruction of their country, no danger can fall upon them for the performance of their duty, and I do trust that there is no Englishman so unworthy of life as to desire to outlive England. But if any of us are condemned to the cruel punishment of surviving our country—if, in the inscrutable counsels of Providence, this favored seat of justice and liberty, this noblest work of human wisdom and virtue, be destined to destruction, which I shall not be charged with national prejudice for saying

would be the most dangerous wound ever inflicted on civilization; at least let us carry with us into our sad exile the consolation that we ourselves have not violated the rights of hospitality to exiles—that we have not torn from the altar the suppliant who claimed protection as the voluntary victim of loyalty and conscience!

Gentlemen, I now leave this unfortunate gentleman in your hands. His character and his situation might interest your humanity; but, on his behalf, I only ask justice from you. I only ask a favorable construction of what can not be said to be more than ambiguous language, and this you will soon be told, from the highest authority, is a part of justice.

Notwithstanding the great impression made by his speech, the charge of Lord Ellenborough made it necessary that the jury should render a verdict of guilty. In his instructions his Lordship said that under the law of England "any publication which tended to degrade, revile, and defame persons in considerable situations of power and dignity, in foreign countries, may be taken and treated as a libel, and particularly where it has a tendency to interrupt the pacific relations of the two countries."

The jury found Peltier guilty; but as war was almost immediately declared, he was not brought up for sentence, but was set free.

## LORD ERSKINE.

*a 2 answer*  
“As an advocate in the forum, I hold him to be without an equal in ancient or modern times.” This is the judgment of the author of “The Lives of the Lord Chancellors,” in regard to Thomas, Lord Erskine. But for the modern student, Erskine was not merely the most powerful advocate that ever appealed to a court or a jury, but what is more important, he was, in a very definite sense, so closely identified with the establishment of certain great principles that lie at the foundation of modern social life, that a knowledge, at least, of some of his speeches is of no little importance. The rights of juries, the liberty of the press, and the law of treason were discussed by him not only with a depth of learning and a power of reasoning which were absolutely conclusive, but



**LORD ERSKINE.**

**From a painting by Richard Cosway, R.A.**



at the same time with a warmth and a brilliancy of genius which throw a peculiar charm over the whole of the subjects presented.

Thomas Erskine was the youngest son of the Earl of Buchan, the representative of an old Scotch house, whose ample fortune had wasted away until the family was reduced to actual poverty. Just before the birth of the future Lord Chancellor, the Earl of Buchan abandoned his ancient seat, and with wife and children took up his abode in an upper flat of a lofty house in the old town of Edinburgh. Here Erskine was born on the 10th of January, 1750. The poverty of the family made it impossible for him to acquire the early education he craved. Some years at the schools in Edinburgh, and a few months in the University of St. Andrews, completed his academic days. He gained a very superficial knowledge of Latin, and, if we may believe Lord Campbell, "little of Greek beyond the alphabet." In the rudiments of English literature, however, he was well instructed ; and he seems, even while



at the university, to have acquired something of that freedom and nobleness of manner which so much distinguished him in after-life.

The condition of the family, however, made it impossible for him to complete the course of studies at the University ; and accordingly, at fourteen, he was placed as a midshipman in the navy. Here he remained four years, during which time he visited different parts of the globe, including the Indies and the English colonies in North America. At the end of his term he determined, like the elder Pitt, to enter the army ; and, taking the whole of his small patrimony for the purpose, he bought an ensign's commission in the Royals or First Regiment of Foot. Here he remained from the time he was eighteen till he was twenty-five. At twenty he was married to a lady of respectability, though without fortune. But this step, which, with most persons, would have been the sure precursor of poverty and obscurity, turned out in the case of Erskine to be a means of inspiration and assistance. His mind was bal-

anced, and his vivacity was reduced to earnestness. As the regiment was in garrison, he had abundant leisure, and he applied himself in the society of his wife to the systematic study of the masterpieces of English literature. The best parts of Milton and Shakspeare he acquired such mastery of that he continued to know them by heart throughout life. It is evident that his attainments were beginning to attract attention; for, in April of 1772, Boswell speaks of him as dining with Johnson, and characterizes him as "a young officer in the regimentals of the Scotch Royals, who talked with a vivacity, fluency, and precision which attracted particular attention."

It was not until two years after this time that we find Erskine interested in the proceedings of the courts. He subsequently declared that, while a witness of judicial proceedings, it often occurred to him in the course of the argument on both sides how much more clearly and forcibly he could have presented the points and urged them on the minds of the jury. It

was this consciousness that led him one day, while dining with Lord Mansfield, to ask: "Is it impossible for me to become a lawyer?" The answer of the Lord Chancellor did not utterly discourage him; and he became a student of Lincoln's Inn at the age of twenty-five. In order to abridge his term of study, he determined to take a degree at one of the universities, as, being a nobleman's son, he was entitled to do on examination and without residence. In fulfilment of this design, he became a member of Trinity College, at Cambridge, in 1776, while he was prosecuting his legal studies in London, and still holding his commission in the army as a means of support. In July of 1778, when in his twenty-ninth year, he was called to the bar.

A singular combination of circumstances almost immediately brought him forward into great prominence. He had been retained as junior counsel with four eminent advocates for the defence of one Captain Bailie, who had disclosed certain important corruptions of the government officials in charge of Greenwich

Hospital. Bailie was prosecuted for libel, and the influence of the government was so great, that the four older counsellors advised him to accept of a compromise by withdrawing the charges and paying the costs. From this opinion Erskine alone dissented. Bailie accepted the advice of the young advocate with enthusiasm, and thus threw upon him the chief responsibility of conducting the cause. The result was one of the most extraordinary triumphs in the history of forensic advocacy. Erskine's power revealed itself, not only in the remarkable learning and skill which he showed in the general management of the cause, but in the clearness with which he stated the difficult points at issue, and the overpowering eloquence with which he urged his positions on the court and the jury. It was his first cause. He entered Westminster Hall in extreme poverty; before he left it he had received thirty retainers from attorneys who had been present at the trial. Demand for his services continued rapidly to increase, till within a few years his in-

come from his profession amounted to 12,000 pounds a year.

It was but natural that so great success at the bar should carry Erskine, at an early day, into the House of Commons. In 1783 we find him on the benches of the House as a supporter of the newly formed Coalition of North and Fox. His fame as an orator had become so great, that the Coalition hoped and the Opposition feared much from his eloquence. But he disappointed his friends, and showed as soon as he took the floor, that his manner was suited to the courts and not to the legislature. Croly, in his "Life of George IV.," relates that great expectations were raised when it was announced that Erskine was to make his maiden speech. Pitt evidently intended to reply, and sat, pen in hand to take notes of his formidable opponent's arguments. He wrote, however, but a few words. As Erskine proceeded, his attention relaxed; and finally, with a contemptuous expression, he stabbed his pen through the paper and threw them both on the

floor. "Erskine," says Croly, "never recovered from this expression of disdain; his voice faltered, he struggled through the remainder of his speech and sank into his seat dispirited, and shorn of his fame." It was not until late in life, that he was able to recover the equanimity lost on that night in the House of Commons. But, although after some years, he made several eloquent parliamentary speeches, all his legislative efforts were far surpassed by the brilliancy of his speeches in Westminster Hall.

From 1783 till 1806 Erskine adhered to the liberal political doctrines advocated by Fox. His influence in Parliament, however, was not great, and his principal energies were expended in the courts; when, in 1806, Grenville and Fox came into power, Erskine received the highest award to which an English attorney can aspire. But, he had not long to enjoy his new honors as Lord Chancellor, for Pitt soon came once more into power. The usages of the legal profession in England did not allow Erskine to return to

the bar, and therefore the remaining years of his life were unimportant, and not without disappointment. The great advocate died November 17, 1823, in the seventy-fourth year of his age.

Erskine was not only the greatest of English advocates, but he is entitled to the still higher distinction of having given so clear an exposition of some of the most subtle principles at the basis of human liberty, as to cause them to be generally recognized and accepted. It was his lot to be much more frequently employed in defence, than in prosecution, and many of his arguments in behalf of his clients are marvels of clear and enlightened exposition of those fundamental rights on which English liberty is established. His speeches in behalf of Gordon, Hadfield, Hardy, and Tooke, constitute, as a whole, the clearest exposition ever made of the law of treason. Of the speech in defence of Gordon, Lord Campbell goes so far as to say: "Here I find not only great acuteness, powerful reasoning, enthusiastic zeal, and

burning eloquence, but the most masterly view ever given of the English law of high treason, the foundation of all our liberties." The plea in behalf of Stockdale, commonly considered the finest of Erskine's speeches, is perhaps a still more felicitous exposition of the principles involved in the law of libel. Of his speech on the rights of juries, Campbell says that it displayed "beyond all comparison the most perfect union of argument and eloquence ever exhibited in Westminster Hall." His address in behalf of Paine, if somewhat less successful than the great efforts just alluded to, was still a remarkable presentation of the principles of free speech. But the most noteworthy characteristic of Erskine was that notwithstanding the depth and ingenuity and learning of his arguments, his whole presentation was so illumined by the glow of his genius, that his address was always listened to with the greatest popular interest. His speech in behalf of Hardy was seven hours in length, but the crowd of eager auditors not only heard him to



the end, but "burst out into irrepressible acclamations which spread through the vast multitude outside and were repeated to a great distance around."

It need scarcely be added that for students of English law, Erskine is the most important of all the English orators.



## LORD ERSKINE.

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ON THE LIMITATIONS OF FREE SPEECH, DELIVERED  
IN 1797 ON THE TRIAL OF WILLIAMS FOR  
THE PUBLICATION OF PAINE'S  
"AGE OF REASON."

Nearly all of Erskine's speeches were several hours in length and so logically constructed as not to admit of abridgment or excision. The more elaborate of them, therefore, are not adapted to the purposes of this collection. It happens, however, that one of the briefest of his forensic addresses was the one on which he himself looked with most satisfaction. Of the speech delivered on the prosecution of Williams he is reported to have said: "I would rather that all my other speeches were committed to the flames, or in any manner buried in oblivion, than that a single page of it should be lost." Erskine's "Speeches," Am. ed., vol. i., p. 571.

It is an interesting fact that the same great advocate who gave all his powers to the defence of Paine for publishing the "Rights of Man," was equally earnest in the prosecution of Williams for the publication of the same author's "Age of Reason." But the explanation is easy. In the former work the author criticised, in what Erskine regarded as a legitimate way, the character and methods of the English Government; in the latter he assailed what the advocate regarded as the very foundations of all government and all justice. The difference

between the two is pointed out in the following speech with a skill that will give the reader a good example of the orator's method.

**GENTLEMEN OF THE JURY:**

The charge of blasphemy, which is put upon the record against the publisher of this publication, is not an accusation of the servants of the crown, but comes before you sanctioned by the oaths of a grand jury of the country. It stood for trial upon a former day; but it happening, as it frequently does, without any imputation upon the gentlemen named in the panel, that a sufficient number did not appear to constitute a full special jury, I thought it my duty to withdraw the cause from trial, till I could have the opportunity of addressing myself to you who were originally appointed to try it.

I pursued this course from no jealousy of the common juries appointed by the laws for the ordinary service of the court, since my whole life has been one continued experience of their virtues; but because I thought it of great importance that those who were to decide upon a cause so very momentous to the public, should have the highest possible qualifications for the decision; that they should not only be men capable from their educations of forming an

enlightened judgment, but that their situations should be such as to bring them within the full view of their country, to which, in character and in estimation, they were in their own turns to be responsible.

Not having the honor, gentlemen, to be sworn for the king as one of his counsel, it has fallen much oftener to my lot to defend indictments for libels than to assist in the prosecution of them; but I feel no embarrassment from that recollection. I shall not be bound to-day to express a sentiment or to utter an expression inconsistent with those invaluable principles for which I have uniformly contended in the defence of others. Nothing that I have ever said, either professionally or personally, for the liberty of the press, do I mean to-day to contradict or counteract. On the contrary, I desire to preface the very short discourse I have to make to you, with reminding you that it is your most solemn duty to take care that it suffers no injury in your hands. A free and unlicensed press, in the just and legal sense of the expression, has led to all the blessings, both of religion and government, which Great Britain or any part of the world at this moment enjoys, and it is calculated to advance

mankind to still higher degrees of civilization and happiness. But this freedom, like every other, must be limited to be enjoyed, and, like every human advantage, may be defeated by its abuse.

Gentlemen, the defendant stands indicted for having published this book, which I have only read from the obligations of professional duty, and which I rose from the reading of with astonishment and disgust. Standing here with all the privileges belonging to the highest counsel for the crown, I shall be entitled to reply to any defence that shall be made for the publication. I shall wait with patience till I hear it.

Indeed, if I were to anticipate the defence which I hear and read of, it would be defaming by anticipation the learned counsel who is to make it; since, if I am to collect it from a formal notice given to the prosecutors in the course of the proceedings, I have to expect that, instead of a defence conducted according to the rules and principles of English law, the foundation of all our laws, and the sanctions of all justice, are to be struck at and insulted. What gives the court its jurisdiction? What but the oath which his lordship, as well as yourselves, has sworn upon the gospel to fulfil? Yet in the

King's Court, where his Majesty is himself also sworn to administer the justice of England—in the King's Court—who receives his high authority under a solemn oath to maintain the Christian religion, as it is promulgated by God in the Holy Scriptures, I am nevertheless called upon as counsel for the prosecution to “produce a certain book described in the indictment to be the Holy Bible.” No man deserves to be upon the rolls, who has dared as an attorney to put his name to such a notice. It is an insult to the authority and dignity of the court of which he is an officer ; since it calls in question the very foundations of its jurisdiction. If this is to be the spirit and temper of the defence ; if, as I collect from that array of books which are spread upon the benches behind me, this publication is to be vindicated by an attack of all the truths which the Christian religion promulgates to mankind, let it be remembered that such an argument was neither suggested nor justified by any thing said by me on the part of the prosecution.

In this stage of the proceedings, I shall call for reverence to the Sacred Scriptures, not from their merits, unbounded as they are, but from their authority in a Christian country ; not

from the obligations of conscience, but from the rules of law. For my own part, gentlemen, I have been ever deeply devoted to the truths of Christianity; and my firm belief in the Holy Gospel is by no means owing to the prejudices of education, though I was religiously educated by the best of parents, but has arisen from the fullest and most continued reflections of my riper years and understanding. It forms at this moment the great consolation of a life, which, as a shadow passeth away; and without it, I should consider my long course of health and prosperity, too long perhaps and too uninterrupted to be good for any man, only as the dust which the wind scatters, and rather as a snare than as a blessing.

Much, however, as I wish to support the authority of Scripture from a reasonable consideration of it, I shall repress that subject for the present. But if the defence, as I have suspected, shall bring them at all into argument or question, I must then fulfil a duty which I owe not only to the court, as counsel for the prosecution, but to the public, and to the world, to state what I feel and know concerning the evidences of that religion, which is denied without being examined, and reviled without being understood.

I am well aware that by the communications of a free press, all the errors of mankind, from age to age, have been dissipated and dispelled ; and I recollect that the world, under the banners of reformed Christianity, has struggled through persecution to the noble eminence on which it stands at this moment, shedding the blessings of humanity and science upon the nations of the earth.

It may be asked, then, by what means the reformation would have been effected, if the books of the reformers had been suppressed, and the errors of now exploded superstitions had been supported by the terrors of an unreformed state ? or how, upon such principles, any reformation, civil or religious, can in future be effected ? The solution is easy : let us examine what are the genuine principles of the liberty of the press, as they regard writings upon general subjects, unconnected with the personal reputations of private men, which are wholly foreign to the present inquiry. They are full of simplicity, and are brought as near perfection, by the law of England, as perhaps is attainable by any of the frail institutions of mankind.

Although every community must establish supreme authorities, founded upon fixed princi-



ples, and must give high powers to magistrates to administer laws for the preservation of government, and for the security of those who are to be protected by it; yet as infallibility and perfection belong neither to human individuals nor to human establishments, it ought to be the policy of all free nations, as it is most peculiarly the principle of our own, to permit the most unbounded freedom of discussion, even to the detection of errors in the constitution of the very government itself; so as that common decorum is observed, which every state must exact from its subjects and which imposes no restraint upon any intellectual composition, fairly, honestly, and decently addressed to the consciences and understandings of men. Upon this principle I have an unquestionable right, a right which the best subjects have exercised, to examine the principles and structure of the constitution, and by fair, manly reasoning, to question the practice of its administrators. I have a right to consider and to point out errors in the one or in the other; and not merely to reason upon their existence, but to consider the means of their reformation.

By such free, well-intentioned, modest, and dignified communication of sentiments and

opinions, all nations have been gradually improved, and milder laws and purer religions have been established. The same principles which vindicate civil controversies, honestly directed, extend their protection to the sharpest contentions on the subject of religious faiths. This rational and legal course of improvement was recognized and ratified by Lord Kenyon as the law of England, in the late trial at Guildhall, where he looked back with gratitude to the labors of the reformers, as the fountains of our religious emancipation, and of the civil blessings that followed in their train. The English constitution, indeed, does not stop short in the toleration of religious opinions, but liberally extends it to practice. It permits every man, even publicly, to worship God according to his own conscience, though in marked dissent from the national establishment, so as he professes the general faith, which is the sanction of all our moral duties, and the only pledge of our submission to the system which constitutes the state.

Is not this freedom of controversy and freedom of worship sufficient for all the purposes of human happiness and improvement? Can it be necessary for either, that the law

should hold out indemnity to those who wholly abjure and revile the government of their country, or the religion on which it rests for its foundation? I expect to hear in answer to what I am now saying, much that will offend me. My learned friend, from the difficulties of his situation, which I know from experience how to feel for very sincerely, may be driven to advance propositions which it may be my duty with much freedom to reply to; and the law will sanction that freedom. But will not the ends of justice be completely answered by my exercise of that right, in terms that are decent, and calculated to expose its defects? Or will my argument suffer, or will public justice be impeded, because neither private honor and justice nor public decorum would endure my telling my very learned friend, because I differ from him in opinion, that he is a fool, a liar, and a scoundrel, in the face of the court? This is just the distinction between a book of free legal controversy, and the book which I am arraigning before you. Every man has a right to investigate, with decency, controversial points of the Christian religion; but no man consistently with a law which only exists under its sanctions has a right to deny its very exist-

ence, and to pour forth such shocking and insulting invectives as the lowest establishments in the gradation of civil authority ought not to be subjected to, and which soon would be borne down by insolence and disobedience, if they were.

The same principle pervades the whole system of the law, not merely in its abstract theory, but in its daily and most applauded practice. The intercourse between the sexes, which, properly regulated, not only continues, but humanizes and adorns our natures, is the foundation of all the thousand romances, plays, and novels, which are in the hands of everybody. Some of them lead to the confirmation of every virtuous principle; others, though with the same profession, address the imagination in a manner to lead the passions into dangerous excesses; but though the law does not nicely discriminate the various shades which distinguish such works from one another, so as to suffer many to pass, through its liberal spirit, that upon principle ought to be suppressed, would it or does it tolerate, or does any decent man contend that it ought to pass by unpunished, libels of the most shameless obscenity, manifestly pointed to debauch innocence and

to blast and poison the morals of the rising generation? This is only another illustration to demonstrate the obvious distinction between the work of an author who fairly exercises the powers of his mind in investigating the religion or government of any country, and him who attacks the rational existence of every religion or government, and brands with absurdity and folly the state which sanctions, and the obedient tools who cherish, the delusion. But this publication appears to me to be as cruel and mischievous in its effects, as it is manifestly illegal in its principles; because it strikes at the best—sometimes, alas!—the only refuge and consolation amidst the distresses and afflictions of the world. The poor and humble, whom it affects to pity, may be stabbed to the heart by it. They have more occasion for firm hopes beyond the grave than the rich and prosperous who have other comforts to render life delightful. I can conceive a distressed but virtuous man, surrounded by his children looking up to him for bread when he has none to give them; sinking under the last day's labor, and unequal to the next, yet still, supported by confidence in the hour when all tears shall be wiped from the eyes of affliction, bearing the burden laid

upon him by a mysterious Providence which he adores, and anticipating with exultation the revealed promises of his Creator, when he shall be greater than the greatest, and happier than the happiest of mankind. What a change in such a mind might be wrought by such a merciless publication? Gentlemen, whether these remarks are the overcharged declamations of an accusing counsel, or the just reflections of a man anxious for the public happiness, which is best secured by the morals of a nation, will be soon settled by an appeal to the passages in the work, that are selected by the indictment for your consideration and judgment. You are at liberty to connect them with every context and sequel, and to bestow upon them the mildest interpretations. [Here Mr. Erskine read and commented upon several of the selected passages, and then proceeded as follows:]

Gentlemen, it would be useless and disgusting to enumerate the other passages within the scope of the indictment. How any man can rationally vindicate the publication of such a book, in a country where the Christian religion is the very foundation of the law of the land, I am totally at a loss to conceive, and have no ideas for the discussion of. How is a tribunal

whose whole jurisdiction is founded upon the solemn belief and practice of what is here denied as falsehood, and reprobated as impiety, to deal with such an anomalous defence? Upon what principle is it even offered to the court, whose authority is contemned and mocked at? If the religion proposed to be called in question, is not previously adopted in belief and solemnly acted upon, what authority has the court to pass any judgment at all of acquittal or condemnation? Why am I now or upon any other occasion to submit to his lordship's authority? Why am I now or at any time to address twelve of my equals, as I am now addressing you, with reverence and submission? Under what sanction are the witnesses to give their evidence, without which there can be no trial? Under what obligations can I call upon you, the jury representing your country, to administer justice? Surely upon no other than that you are sworn to administer it, under the oaths you have taken. The whole judicial fabric, from the king's sovereign authority to the lowest office of magistracy, has no other foundation. The whole is built, both in form and substance, upon the same oath of every one of its ministers to do justice, as God shall help them hereafter.

What God? And what hereafter? That God, undoubtedly, who has commanded kings to rule, and judges to decree justice; who has said to witnesses, not only by the voice of nature but in revealed commandments, "Thou shalt not bear false testimony against thy neighbor"; and who has enforced obedience to them by the revelation of the unutterable blessings which shall attend their observance, and the awful punishments which shall await upon their transgression.

But it seems this is an age of reason, and the time and the person are at last arrived that are to dissipate the errors which have overspread the past generations of ignorance. The believers in Christianity are many, but it belongs to the few that are wise to correct their credulity. Belief is an act of reason, and superior reason may, therefore, dictate to the weak. In running the mind over the long list of sincere and devout Christians, I can not help lamenting that Newton had not lived to this day, to have had his shallowness filled up with this new flood of light. But the subject is too awful for irony, I will speak plainly and directly. Newton was a Christian; Newton, whose mind burst forth from the fetters fastened by nature upon our



finite conceptions ; Newton, whose science was truth, and the foundations of whose knowledge of it was philosophy ; not those visionary and arrogant presumptions which too often usurp its name, but philosophy resting upon the basis of mathematics, which, like figures, can not lie ; Newton, who carried the line and rule to the uttermost barriers of creation, and explored the principles by which all created matter exists and is held together. But this extraordinary man, in the mighty reach of his mind, overlooked, perhaps, the errors which a minuter investigation of the created things on this earth might have taught him. What shall then be said of Mr. Boyle, who looked into the organic structure of all matter, even to the inanimate substances which the foot treads upon ? Such a man may be supposed to have been equally qualified with Mr. Paine to look up through nature to nature's God ; yet the result of all his contemplations was the most confirmed and devout belief in all which the other holds in contempt, as despicable and drivelling superstition. But this error might, perhaps, arise from a want of due attention to the foundations of human judgment, and the structure of that understanding which God has given us for the in-

vestigation of truth. Let that question be answered by Mr. Locke, who to the highest pitch of devotion and adoration was a Christian ; Mr. Locke, whose office was to detect the errors of thinking, by going up to the very fountains of thought, and to direct into the proper track of reasoning the devious mind of man, by showing him its whole process, from the first perceptions of sense to the last conclusions of ratiocination ; putting a rein upon false opinion, by practical rules for the conduct of human judgment.

But these men, it may be said, were only deep thinkers, and lived in their closets, unaccustomed to the traffic of the world, and to the laws which practically regulate mankind. Gentlemen, in the place where we now sit to administer the justice of this great country, the never-to-be-forgotten Sir Mathew Hale presided ; whose faith in Christianity is an exalted commentary upon its truth and reason, and whose life was a glorious example of its fruits ; whose justice, drawn, from the pure fountain of the Christian dispensation, will be, in all ages, a subject of the highest reverence and admiration. But it is said by the author, that the Christian fable is but the tale of the more

ancient superstitions of the world, and may be easily detected by a proper understanding of the mythologies of the heathens. Did Milton understand those mythologies? Was he less versed than Mr. Paine in the superstitions of the world? No; they were the subject of his immortal song; and, though shut out from all recurrence to them, he poured them forth from the stores of a memory rich with all that man ever knew, and laid them in their order as the illustration of real and exalted faith, the unquestionable source of that fervid genius which has cast a kind of shade upon most of the other works of man:

“ He pass’d the flaming bounds of place and time :  
The living throne, the sapphire blaze,  
Where angels tremble while they gaze,  
He saw, but blasted with excess of light,  
Closed his eyes in endless night.”

But it was the light of the body only that was extinguished: “The celestial light shone inward, and enabled him to justify the ways of God to man.” The result of his thinking was, nevertheless, not quite the same as the author’s before us. The mysterious incarnation of our blessed Saviour, which this work blasphemes in words so wholly unfit for the mouth of a Chris-

tian, or for the ear of a court of justice, that I dare not, and will not, give them utterance. Milton made the grand conclusion of his "Paradise Lost," the rest from his finished labors, and the ultimate hope, expectation, and glory of the world.

"A virgin is his mother, but his sire,  
The power of the Most High ; he shall ascend  
The throne hereditary, and bound his reign  
With earth's wide bounds, his glory with the heavens."

The immortal poet having thus put into the mouth of the angel the prophecy of man's redemption, follows it with that solemn and beautiful admonition, addressed in the poem to our great first parent, but intended as an address to his posterity through all generations :

"This having learn'd, thou hast attain'd the sum  
Of wisdom ; hope no higher, though all the stars  
Thou knew'st by name, and all th' ethereal powers,  
All secrets of the deep, all nature's works,  
Or works of God in heaven, air, earth, or sea,  
And all the riches of this world enjoy'dst,  
And all the rule, one empire ; only add  
Deeds to thy knowledge answerable, add faith,  
Add virtue, patience, temperance, add love,  
By name to come call'd charity, the soul  
Of all the rest ; then wilt thou not be loth  
To leave this paradise, but shalt possess  
A paradise within thee, happier far."

Thus, you find all that is great, or wise, or splendid, or illustrious, amongst created things ; all the minds gifted beyond ordinary nature, if not inspired by its universal Author for the advancement and dignity of the world, though divided by distant ages, and by clashing opinions, yet joining as it were in one sublime chorus, to celebrate the truths of Christianity ; laying upon its holy altars the never-fading offerings of their immortal wisdom.

Against all this concurring testimony, we find suddenly, from the author of this book, that the Bible teaches nothing but “ lies, obscenity, cruelty, and injustice.” Had he ever read our Saviour’s sermon on the mount, in which the great principles of our faith and duty are summed up ? Let us all but read and practise it, and lies, obscenity, cruelty, and injustice, and all human wickedness, will be banished from the world !

Gentlemen, there is but one consideration more, which I cannot possibly omit, because I confess it affects me very deeply. The author of this book has written largely on public liberty and government ; and this last performance, which I am now prosecuting, has, on that account, been more widely circulated, and prin-

cipally among those who attached themselves from principle to his former works. This circumstance renders a public attack upon all revealed religion from such a writer infinitely more dangerous. The religious and moral sense of the people of Great Britain is the great anchor which alone can hold the vessel of the state amidst the storms which agitate the world; and if the mass of the people were debauched from the principles of religion, the true basis of that humanity, charity, and benevolence, which have been so long the national characteristic, instead of mixing myself, as I sometimes have done, in political reformations, I would retire to the uttermost corners of the earth, to avoid their agitation; and would bear, not only the imperfections and abuses complained of in our own wise establishment, but even the worst government that ever existed in the world, rather than go to the work of reformation with a multitude set free from all the charities of Christianity, who had no other sense of God's existence, than was to be collected from Mr. Paine's observations of nature, which the mass of mankind have no leisure to contemplate, which promises no future rewards to animate the good in the glorious pursuit of

human happiness, nor punishments to deter the wicked from destroying it even in its birth. The people of England are a religious people, and, with the blessing of God, so far as it is in my power, I will lend my aid to keep them so.

I have no objections to the most extended and free discussions upon doctrinal points of the Christian religion; and though the law of England does not permit it, I do not dread the reasonings of deists against the existence of Christianity itself, because, as was said by its divine author, if it be of God, it will stand. An intellectual book, however erroneous, addressed to the intellectual world upon so profound and complicated a subject, can never work the mischief which this indictment is calculated to repress. Such works will only incite the minds of men enlightened by study, to a closer investigation of a subject well worthy of their deepest and continued contemplation. The powers of the mind are given for human improvement in the progress of human existence. The changes produced by such reciprocations of lights and intelligencies are certain in their progression, and make their way imperceptibly, by the final and irresistible power of truth. If Christianity be founded in falsehood, let us become deists

in this manner, and I am contented. But this book has no such object, and no such capacity; it presents no arguments to the wise and enlightened; on the contrary, it treats the faith and opinions of the wisest with the most shocking contempt, and stirs up men, without the advantages of learning, or sober thinking, to a total disbelief of every thing hitherto held sacred; and consequently to a rejection of all the laws and ordinances of the state, which stand only upon the assumption of their truth.

Gentlemen, I can not conclude without expressing the deepest regret at all attacks upon the Christian religion by authors who profess to promote the civil liberties of the world. For under what other auspices than Christianity have the lost and subverted liberties of mankind in former ages been reasserted? By what zeal, but the warm zeal of devout Christians, have English liberties been redeemed and consecrated? Under what other sanctions, even in our own days, have liberty and happiness been spreading to the uttermost corners of the earth? What work of civilization, what Commonwealth of greatness, has this bald religion of nature ever established? We see, on the contrary, the nations that have no other light than that of na-



ture to direct them, sunk in barbarism, or slaves to arbitrary governments; whilst under the Christian dispensation, the great career of the world has been slowly but clearly advancing, lighter at every step from the encouraging prophecies of the gospel, and leading, I trust, in the end to universal and eternal happiness. Each generation of mankind can see but a few revolving links of this mighty and mysterious chain; but by doing our several duties in our allotted stations, we are sure that we are fulfilling the purposes of our existence. You, I trust, will fulfil yours this day.<sup>36</sup>

## ILLUSTRATIVE NOTES.

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NOTE 1, p. 24.—This is not quite a correct representation of Mr. Erskine's declaration. He had not said that all discussion was rendered "impossible," but that the treatment of the French minister by the English Government was "so harsh and irritating as to defeat all the objects of negotiation." As a matter of fact, informal communications continued to pass between the two governments. But the agents of France were not accredited, and this fact threw upon England, in the judgment of the French, the responsibilities of the war. See "Parliamentary History," xxxiv., 1289.

NOTE 2, p. 30.—By the Treaty of Westphalia, which in 1648 established the international relations of modern Europe, the river Scheldt was closed to general commerce out of consideration for Holland. It remained thus closed till 1792, when after the battle of Jemappe, in which the French defeated the Austrians and Prussians, a passage was forced by the French down to the sea. As England was the especial protector of Holland it was but natural that Pitt should protest against the act, not only as a national affront, but also as an expression of willingness on the part of France to set aside at her convenience the provisions of the great Treaty of Westphalia.

NOTE 3, p. 31.—The cause of this incorporating of Savoy was the famous meeting at Mantua in May of 1791. The Count d'Artois, brother of Louis XVI., the Emperor of Austria, the King of Spain, and the King of Sardinia, had secured

an agreement from those monarchs to send 100,000 men to the borders of France in the hope that the French, terrified by the alliance and by such an army, would seek peace by submitting to the Bourbon king, and asking for mediation. Though the plan was rejected by Louis, it none the less showed the animus of the allies. The details may be seen in Mignet, 101, and in Alison, tenth ed., ii., 412. On the 27th of November, 1792, the National Convention annexed Savoy and erected it into a department of France in direct opposition to the Constitution of the Republic, which declared that there should be no extension of the territory.

NOTE 4, p. 32.—By the decree alluded to, the National Convention declared that they would “grant fraternity and assistance to all those peoples who wish to procure liberty.” They also charged their generals to give assistance to such peoples, and to defend all citizens that have suffered or are now suffering in the cause of liberty. Within ten days after the passage of this decree an English society sent delegates to Paris, who presented at the bar of the Convention a congratulatory address on “the glorious triumph of liberty on the 10th of August.” The President of the Convention replied in a grandiloquent speech, in which among other things he said: “The shades of Hampden and Sydney hover over your heads, and the moment without doubt approaches when the French will bring congratulations to the National Convention of Great Britain. Generous Republicans! your appearance among us prepares a subject for history!” By nonsense of this kind the French were constantly deceived in regard to the attitude of England.

NOTE 5, p. 35.—This was not the language of exaggeration. The decree of December 15, 1792, required the French generals wherever they marched, to proclaim “the abolition of all existing feudal and manorial rights, together with all imposts, contributions, and tithes”; to declare “the sovereignty of the

people and the suppression of all existing authorities"; to convoke the people "for the establishment of a provisional government"; to place "all property of the prince and his adherents, and the property of all public bodies, both civil and religious, under the guardianship of the French Republic"; to provide, as soon as possible, "for the organization of a free and popular form of government." This was literally a declaration of war against all governments then existing in Europe. The decree is given in the *Ann. Reg.*, xxxiv., 155.

NOTE 6, p. 39.—The orator then proceeds to explain certain causes of misunderstanding which are of no general interest, and therefore are omitted. To this explanation he also attaches further proofs of the hostile purpose of France, and of the fact that England had no connection with Austria and Prussia at the time of their first attack. The passage seems to be an unnecessary elaboration of what has gone before, and therefore is also omitted.

NOTE 7, p. 41.—This province, which, from 1305 to 1377, was the residence of the popes, continued till the French Revolution to belong to the papal government. It was seized in 1790, and the next year was incorporated into France, where it has since remained.

NOTE 8, p. 41.—This is not quite accurate. The meeting at Mantua had been held, and the monarchs of Austria, Spain, and Sardinia had made the agreement already described above. That the army of 100,000 did not march against France, was not from any lack of purpose on their part, but from the irresolution of Louis XVI.

NOTE 9, p. 42.—In this statement, too, Pitt was not correct. The Declaration of Pilnitz did not leave "the internal state of France to be decided by the king restored to his liberty, *with the free consent of the states of the kingdom*;" but asked that the other powers would not refuse to employ jointly with their Majesties the most efficacious means, in proportion to

their forces, to place the King of France "in a state to settle in the most perfect liberty the foundations of a monarchical government, *equally suitable to the rights of sovereigns and the welfare of the French.*" They made no allusion to the "states of the kingdom"; but did indicate a purpose to settle the foundations of the government in accordance with the rights of sovereigns—that is to say, their own rights. Fox's statement, given in the speech that follows, was far better. He said: "It was a declaration of an intention on the part of the great powers of Germany to interfere in the internal affairs of France, for the purpose of regulating the government against the opinion of the people." The Declaration of Pilnitz was made by the Emperor of Austria and the King of Prussia, in consequence of their belief that "the situation of the King of France was a matter of common interest to all the European sovereigns." The Declaration is given at length in Alison, 10th ed., ii., 415.

NOTE 10, p. 47.—Mr. Pitt then entered into a criticism of some expressions uttered by Erskine, not only in his speech, but also in a pamphlet on the subject of the war. The criticism brought out a reply and a rejoinder which are of little interest and are therefore omitted.

NOTE 11, p. 50.—Reference is here made to the fact that when in 1797 America demanded redress from France for her wanton attacks on American commerce, the officers of the French Government hinted that the payment of £50,000 by the Americans to the French officials would, perhaps, secure immunity. The letters proposing the payment of bribes, known as the "X. Y. Z. Correspondence," were ordered published by Congress, in April of 1798. The English sent them everywhere throughout Europe to excite feeling against France. In America the indignation aroused by the suggestion of bribes gave rise to the cry: "Millions for defence, not a cent for tribute."

NOTE 12, p. 51.—When Bonaparte landed in Egypt in December, 1798, he issued a proclamation in which, among other things, he exhorted the teachers in the mosques to assure the people he had come in fulfilment of prophecy: "Since the world has existed it has been written, that *after having destroyed the enemies of Islamism, and destroyed the cross*, I should come, etc." This proclamation was published in the *Annual Register*, (xi., 265,) and not unnaturally made considerable sensation in England and in Europe.

NOTE 13, p. 52.—The French in Pondicherry sent emissaries throughout India to organize societies for the propagation of their doctrines. The members were bound by a series of oaths to do what they could for the destruction of all kings and sovereigns. Hyder Ali and his son, Tippoo Saib, were the agents and allies of the French in accomplishing this work. These designs of the French in India were brought to an end by the victories of Lord Cornwallis.—Green's "English People," Eng. ed., iv., 332.

NOTE 14, p. 65.—The treaty of Campo Formio was not negotiated by the accredited ministers of the Directory, but by Napoleon on his own responsibility. In explaining his haste, he gave as one of his reasons the necessity of being free to act directly against England. In one of his confidential letters he said: "It is indispensable for our government to destroy the English monarchy"; and again: "Let us concentrate all our activity on the marine and destroy England; that done, Europe is at our feet."—Confidential letter to the Directory, Oct. 18, 1797. Alison, 10th ed., iv., 347.

NOTE 15, p. 94.—The orator in this connection then proceeds to give at some length his reasons for attempting negotiations in 1796-97. These, as having no direct bearing on the subject discussed, are omitted.

NOTE 16, p. 113.—For an explanation of what was done at Mantua, see Note 3, p. 31. On the Declaration of Pilnitz, see Note 9, p. 42.

NOTE 17, p. 116.—See notes 4 and 5 above.

NOTE 18, p. 119.—Reference is here made to the Treaty of September 26, 1786. Mr. Fox argued this question at greater length in a letter to his Westminster constituents. Pitt maintained that England in 1800 was not bound by that treaty inasmuch as the French Government which had made the treaty had been destroyed by the Revolution. In reply Fox declared that if the Revolution had swept away the obligation to obey that treaty, it must have also swept away the obligation to obey all others. But Pitt had often acknowledged the binding force of obligations entered into before the Revolution. Hence the treaty of 1786 was still in force; and according to it the dismissal of M. Chauvelin was equivalent to a declaration of war.

NOTE 19, p. 121.—When the Duke of Brunswick invaded France in July of 1792 at the head of the Austrian and Prussian forces he published a manifesto which did every thing possible to put his masters in the wrong. The burden of the proclamation was that the French had usurped the reins of administration in France, had disturbed order, and had overturned the legitimate government. He declared that the allied armies were advancing "to put an end to anarchy in France, to arrest the attacks made on the altar and the throne, and to restore to the king the security and liberty he was deprived of. The manifesto furthermore said that the "inhabitants of towns who dared to stand on the defensive would instantly be punished as rebels with the rigors of war, and their houses demolished and burned." This proclamation not only showed that the principal object of the war was an interference with the domestic policy of France, but it greatly inflamed the animosities of the French against the foreign powers. See Mignet, "Fr. Rev.," 143; v. Sybel, ii., 29.

NOTE 20, p. 128.—It is an interesting fact that in the early part of 1792 Louis XVI. sent to the King of England, through

Chauvelin and Talleyrand, asking the English Government to intercede to prevent military action on the part of Austria and Prussia. Louis appears to have seen that war on the part of the German powers, though intended to restore Louis himself to his former influence and authority, could only result in evil. Louis said : " I consider the success of the alliance, in which I wish you to concur with as much zeal as I do, as of the highest importance ; I consider it as necessary to the stability of the respective constitutions of our two kingdoms ; and I will add that our union ought to command peace to Europe." The proposal was rejected, and a few weeks later Louis made a second attempt. He now asked the King to interpose, and by his wisdom and influence, " avert, while there is yet time, the progress of the confederacy formed against France, and which threatens the peace, the liberties, and the happiness of Europe." This proposition, too, was rejected July 8, 1792, and before the end of the month France was invaded by the allied armies under Brunswick.

NOTE 21, p. 134.—General Suwarroff, one of the most extraordinary men of his time, had begun his career in the days of Frederick the Great, and had contributed much to the fame of the Russians for bravery at the terrible battle of Kunnersdorf. Though now nearly seventy years of age he showed an energy that made his name a terror wherever he went. The campaign against Praga is described in Alison, 10th ed., iii., 517 *seq.* For his far more remarkable campaign in Italy, see vol v., 45 *seq.*

NOTE 22, p. 142.—The allusion here is to the Treaty of Campo Formio, signed Oct. 17, 1797, by which a large part of the Venetian territory was turned over to Austria in consideration of the annexation of Belgium and Lombardy to France. The machinations by which this transaction was brought about were among the most perfidious in the whole career of Napoleon. In regard to the alleged reason of giving



up Venice Napoleon wrote to the Directory: "I have purposely devised this sort of rupture, *in case you may wish to obtain five or six millions from Venice.*" See Lanfrey's "History of Napoleon," I, 100; and Adams' "Democracy and Monarchy in France," 162.

NOTE 23, p. 143.—The Emperor Paul I., father of Alexander I. and of Nicholas, was probably already insane at the time Fox was speaking. He had long shown a meddlesome disposition, and had interfered with the internal concerns of nearly all the countries on the Baltic as well as with those of Spain. Pitt on a former occasion had said of him: "There is no reason, no ground, to fear that this magnanimous prince will ever desert a cause in which he is so sincerely engaged." But in spite of this prediction he did desert the allies and make peace with France. In view of these facts Fox's ironical use of the word "magnanimous" was a peculiarly forcible hit.

NOTE 24, p. 151.—In this conjecture Fox was not far from the language subsequently used by Napoleon. He said: "I then had need of war; a treaty of peace which should have derogated from that of Campo Formio, and annulled the creations of Italy, would have withered every imagination." He then went on to say that Pitt's answer was what he desired, that "it could not have been more favorable," and that "with such impassioned antagonists he would have no difficulty in reaching the highest destinies."—"Memoirs," i., 33.

NOTE 25, p. 151.—In a speech some months before, Pitt had defended his action in regard to Holland by saying that "*from his knowledge of human nature*" he knew that it must be successful. It proved a lamentable failure, hence the irony of Fox's emphasis.

NOTE 26, p. 154.—Virgil (*Æneid*, xi., 313): "Valor has done its utmost; we have fought with the embodied force of all the realm."

Pitt on a former occasion had said that the contest ought

never to be abandoned till the people of England could adopt those words as their own.

NOTE 27, p. 167. References to Washington were made from the fact that news of his death, which occurred December 14, 1799, had just been received in England. In the passage that follows, Fox alludes to the time Dundas was a member of North's Government, and when it was the fashion of his party to denounce Washington.

NOTE 28, p. 170.—The facts as stated by Fox were only too true, and the British officer alluded to was none other than Lord Nelson. The insurgents had capitulated, on condition that persons and property should be guaranteed, and the articles had been signed by the Cardinal, the Russian commander, and even by Captain Foote, the commander of the British force. Nelson arrived with his fleet about thirty-six hours afterward, and at once ordered that the terms of the treaty be annulled. The garrison were taken out under the pretence of carrying the treaty into effect, and then were turned over as rebels to the vengeance of the Sicilian Court. Southey in his "Life of Nelson" (vi., 177) calls this deplorable event "A stain upon the memory of Nelson and the honor of England. To palliate it would be in vain; to justify it would be wicked; there is no alternative for one who will not make himself a participator in guilt, but to record the disgraceful story with sorrow and with shame." Lady Hamilton, with whom Nelson was infatuated and who was the favorite of the Queen of Naples, was the one who led Nelson into committing the outrage.

NOTE 29, p. 253.—The following portion of Mackintosh's argument has been universally admired. It was the common impression in England that if the prosecution of Peltier was not energetically carried on by the government, Napoleon would make the fact a pretext for declaring war. The advocate probably supposed that the jury shared that belief. He

did not deem it wise to allude to it directly, but he proceeds with great ingenuity and force to dwell on the advantages of peace, and then having established a coincidence of feeling between himself and the jury, he leads them to see that peace can in no way be so effectually promoted as by sustaining the cause of justice throughout Europe, and that in no way can justice be so surely maintained as by substantial freedom of the press.

NOTE 30, p. 205.—Reference is made to the boastful question of Cicero, in the second oration against Anthony: "How has it happened, Conscript Fathers, that no one has come out as an enemy of the Republic, for these last twenty years, who did not at the same time declare war against me?"

NOTE 31, p. 207.—Mackintosh was wise enough to see that war was inevitable. It came sooner, perhaps, than he anticipated. Only a few days after the conclusion of the trial, the King sent a message to Parliament that war could not be avoided, and hostilities broke out May 18, 1803. Under the circumstances the impressive passage that follows on "the public spirit of a people" was peculiarly suggestive.

NOTE 32, p. 219.—The passage on the inherent characteristics of the French Revolution is peculiarly interesting, as showing how completely Mackintosh had changed his opinion since he wrote the Reply to Burke. Probably he is the more explicit, because his pamphlet was so universally known.

NOTE 33, p. 223.—This passage and what follows on the rule of the Jacobins is the one of which Madame de Staël wrote in her "Ten Years of Exile": "It was during this stormy period of my existence that I received the speech of Mr. Mackintosh; and there read his description of a Jacobin, who had made himself an object of terror during the Revolution to children, women, and old men, and who was now bending himself double under the rod of the Corsican, who tears from him, even to the last atom, that liberty for which he

pretended to have taken arms. This *morceau* of the finest eloquence touched me to my very soul; it is the privilege of superior writers sometimes unwittingly to solace the unfortunate in all countries and at all times. France was in a state of such complete silence around me, that this voice, which suddenly responded to my soul, seemed to me to come down from heaven—*it came from a land of liberty.*"

NOTE 34, p. 236.—Allusion is made to the fact, humiliating to every Englishman, that Charles II. and James II. both received pensions from Louis XIV.

NOTE 35, p. 252.—Aloys Reding, the Burgomaster of Schweitz, in 1798, put himself at the head of a few followers and attacked the invading French with so much energy that he broke their ranks and repelled them. Afterward, however, he was overpowered and taken prisoner. After being held in prison for a time he was driven into exile.

NOTE 36, p. 296.—At the conclusion of the trial, the jury without hesitation found a verdict of "guilty." But the subsequent history of the case is one of peculiar interest. The judges decided that the defendant Williams should suffer one year's imprisonment at hard labor. But before sentence was to be pronounced, Erskine declined to go forward with the case and returned his retainer. The reason was never made public till Erskine himself explained the matter in a letter written in February of 1819 to the editor of Howell's "State Trials." He was one day walking in a narrow lane in London when he felt something pulling him by the coat, and, turning around, he saw a woman in tears and emaciated with disease and sorrow. The woman pulled him forward into a miserable hovel where in a room not more than ten or twelve feet square were two children with confluent small-pox and the wretched man whom he had just convicted. The man was engaged in sewing up little, religious tracts, which had been his principal employment in his trade. Erskine was convinced that Williams had been urged

to the publication of Paine by his extreme poverty and not by his will. The advocate was so deeply affected by what he saw and heard that he believed the cause for which he had pleaded would best be subserved by the policy of mercy. He wrote to the Society in whose behalf he had been retained by the crown urging such a course. His advice, after due consideration, was rejected, whereupon Erskine abandoned the case and returned the fees he had received. The incident is an admirable illustration of the great advocate's high ideal of professional ethics. Erskine's letter is given in Howell's "State Trials," xxvi., 714; and, in part, in Erskine's "Works," i., 592.





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